H.R. 1699. A bill for the relief of Nick George Boudoures; to the Committee on the Judiciary.

H.R. 1700. A bill for the relief of Jaime Abejuro; to the Committee on the Judiciary.

H.R. 1701. A bill for the relief of Mrs. Kikue Yamamoto Leghorn and her minor son, Yuichiro Yamamoto Leghorn; to the Committee on the Judiciary.

H.R. 1702. A bill for the relief of Jovito Batas Bacugan; to the Committee on the Judiciary.

H.R. 1703. A bill for the relief of Maximo B. Avila; to the Committee on the Judiciary.

H.R. 1704. A bill for the relief of Lee Shee Won; to the Committee on the Judiciary.

H.R. 1705. A bill for the relief of Yee Tip Hay; to the Committee on the Judiciary.

H.R. 1706. A bill for the relief of Adela Michiko Flores; to the Committee on the Judiciary.

H.R. 1707. A bill for the relief of Victoria M. Poquiz; to the Committee on the Judiciary.

H.R. 1708. A bill for the relief of Fung Kai Wing; to the Committee on the Judiciary.

H.R. 1709. A bill for the relief of Rosalinda Tacdol; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 1710. A bill for the relief of Narinder Singh Somal; to the Committee on the Judiciary.

H.R. 1711. A bill for the relief of Mrs. Maria Zondek; to the Committee on the Judiciary.

H.R. 1712. A bill for the relief of Elsabetta Rosa Colangecco Di Carlo; to the Committee on the Judiciary.

H.R. 1713. A bill for the relief of Wiktor Golik and Jozsef Kelemen; to the Committee on the Judiciary.

H.R. 1714. A bill for the relief of Nicholas J. Katsaros; to the Committee on the Judiciary.

H.R. 1715. A bill for the relief of Joseph Michael Stahl; to the Committee on the Judiciary.

H.R. 1716. A bill for the relief of Giorgina Raniolo Infantino and her children, Georgio Infantino, Angelo Infantino, and Giovanni Infantino; to the Committee on the Judiciary.

H.R. 1717. A bill for the relief of Angelo Li Destri; to the Committee on the Judiciary.

H.R. 1718. A bill for the relief of Jaime E. Concepcion; to the Committee on the Judiciary.

H.R. 1719. A bill for the relief of Mrs. Suad J. Khuri; to the Committee on the Judiciary.

H.R. 1720. A bill for the relief of Paul Vassos (Pavlos Veizis); to the Committee on the Judiciary.

By Mr. WILSON of California:

H.R. 1721. A bill for the relief of Mrs. Susie Lacacio and her son, John Peter Lacacio; to the Committee on the Judiciary.

H.R. 1722. A bill for the relief of Joao Ferreira and Maria Ercilia Machado; to the Committee on the Judiciary.

By Mr. BROYHILL:

H. Res. 65. Resolution for the relief of Mrs. Estelle A. Waller; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1. By the SPEAKER: Petition of the president, Free Federation of Labor of Puerto Rico, San Juan, P.R., petitioning consideration of their resolution with reference to the sugar industry in Puerto Rico and in other American territories; to the Committee on Agriculture.

2. Also, petition of Luis Bada, Cabangan, Zambales, Philippine Islands, relative to supporting House Resolution 30 from the State of California, relating to compensating the Philippine Scouts for their servces rendered in World War II; to the Committee on Armed Services.

3. Also, petition of Dr. Santiago S. Calo, Butuan City, Philippines, relative to a grievance relating to the roster of guerrilla units which was processed upon liberation of the Philippines; to the Committee on Armed Services.

4. Also, petition of Elealeh Kern O'Toole, Paradise, Butte County, Calif., relative to a redress of grievances regarding all Federal, State, and educational loyalty oaths; to the Committee on Education and Labor.

5. Also, petition of the secretary, the Society of the War of 1812 in the State of Maryland, Baltimore, Md., relative to opposing the deletion of the Connally amendment from the United Nations Charter; to the Committee on Foreign Affairs.

6. Also, petition of the chaplain, Veterans of Foreign Wars of the United States, Department of the District of Columbia, Washington, D.C., conveying a message of gratitude and commendation for the late Congresswoman Edith Nourse Rogers of Massachusetts; to the Committee on House Administration.

7. Also, petition of representatives of city of Alpine, Chamber of Commerce and Brewster County, Tex., petitioning consideration of their resolution, with reference to establishing a transportation system between Alpine, San Antonio, and El Paso, Tex.; to the Committee on Interstate and Foreign Commerce.

8. Also, petition of George Allen and others, Sherman, Tex., relative to opposing all pay TV schemes and proposals as being contrary to the public interest; to the Committee on Interstate and Foreign Commerce.

9. Also, petition of Mrs. A. M. Davis, Sr., and others, Denison, Tex., relative to opposing all pay TV schemes and proposals as being contrary to the public interest; to the Committee on Interstate and Foreign Commerce.

10. Also, petition of J. E. Rodgers and others, Belton, Tex., relative to opposing all pay TV schemes and proposals as being contrary to the public interest; to the Committee on Interstate and Foreign Commerce.

11. Also, petition of Mr. and Mrs. C. C. Bee, Jr., and others, Dallas, Tex., relative to opposing all pay TV schemes and proposals as being contrary to the public interest; to the Committee on Interstate and Foreign Commerce.

12. Also, petition of Paul Rush and others, Dallas, Tex., relative to opposing all pay TV schemes and proposals as being contrary to the public interest; to the Committee on Interstate and Foreign Commerce.

13. Also, petition of Vonda Chandler and others, Dallas, Tex., relative to opposing all pay TV schemes and proposals as being contrary to the public interest; to the Committee on Interstate and Foreign Commerce.

14. Also, petition of Clifford Crail, Cincinnati, Ohio, relative to a grievance as to why the House of Representatives has not given him any relief in regard to a criminal conspiracy and attaching a copy of a letter to the Honorable John F. Kennedy, President-elect; to the Committee on the Judiciary.

15. Also, petition of J. Milton Edwards Post No. 2238, Veterans of Foreign Wars, Shreveport, La., petitioning consideration of their resolution with reference to demanding that Judge J. Skelly Wright be tried by a court of proper jurisdiction for treason; to the Committee on the Judiciary.

16. Also, petition of Harold Elsten, Cortland, N.Y., relative to a grievance relating to an appeal for personal damages award; to the Committee on the Judiciary.

17. Also, petition of Theodosia Terwilliger, Portland, Oreg., relative to the proposed removal of the regional post office from Portland, Oreg.; to the Committee on Post Office and Civil Service.

18. Also, petition of Victor Lyon and others, Portland, Oreg., relative to the proposed removal of the regional post office from Portland, Oreg.; to the Committee on Post Office and Civil Service.

19. Also, petition of Robert J. White, and others, Hillsboro, Oreg., relative to the proposed removal of the regional post office from Portland, Oreg.; to the Committee on Post Office and Civil Service.

20. Also, petition of John Hughes and others, Hillsboro, Oreg., relative to the proposed removal of the regional post office from Portland, Oreg.; to the Committee on Post Office and Civil Service.

21. Also, petition of Wiley W. Smith, and others, Portland, Oreg., relative to the proposed removal of the regional post office from Portland, Oreg.; to the Committee on Post Office and Civil Service.

22. Also, petition of the president, the Woman's Club of Westfield, Inc., Westfield, N.J., relative to commending the work of the House Committee on Un-American Activities and urging the Congress to enlarge rather than curtail its activities; to the Committee on Rules.

23. Also, petition of the president, Westfield Women's Republican Club, Westfield, N.J., relative to commending the work of the House Committee on Un-American Activities and urging Congress to continue the committee; to the Committee on Rules.

24. Also, petition of Mrs. William E. Stilwell, Jr., and others, Glendale, Ohio, relative to the continuation of the House Committee on Un-American Activities; to the Committee on Rules.

25. Also, petition of Martin Weiss and others, Elmont, N.Y., relative to endorsing the petition by Dr. Alexander Meiklejohn relating to a redress of grievance pertaining to the House Committee on Un-American Activities; to the Committee on Rules.

26. Also, petition of Harriet Levine and others, New York, N.Y., relative to endorsing the petition by Dr. Alexander Meiklejohn relating to a redress of grievance pertaining to the House Committee on Un-American Activities; to the Committee on Rules.

27. Also, petition of H. L. Thatcher and others, Auburn, Calif., relative to the citizens of Auburn and Placer County, Calif., urging the influence of Congress against the purging of certain Democratic Congressmen; to the Committee on Rules.

SENATE

WEDNESDAY, JANUARY 4, 1961

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our fathers' God, bowing at this wayside shrine which our fathers reared, we bring to Thee the stress and strain of these testing times, praying that our jaded souls may find in Thy presence the peace of green pastures and the still waters of the spirit.

We acknowledge that the wise provision of those who knelt about the cradle of our liberty, regarding the separation of church and state, did not decree the separation of religion and the state, knowing that spiritual verities are the very breath of the Republic.

In all the tangles of living together in the maze of human relationships through which, in legislative halls, those here chosen by the people grope their way,

teach us anew by this moment of devotion that at its heart every great issue of life is spiritual.

Grant to Thy servants in the ministry of public affairs the will to match vast needs with mighty deeds. We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of Tuesday, January 3, 1961, was dispensed with.

ATTENDANCE OF A SENATOR

J. WILLIAM FULBRIGHT, a Senator from the State of Arkansas, attended today.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT OF JUNIOR SENATOR FROM TEXAS

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment of the junior Senator from Texas [Mr. BLAKLEY]. Without objection, the certificate will be read and placed on file.

The certificate of appointment was read, as follows:

CERTIFICATE OF APPOINTMENT

JANUARY 3, 1961.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Texas, I, Price Daniel, the Governor of said State, do hereby appoint WILLIAM A. BLAKLEY a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of LYNDON B. JOHNSON, is filled by election as provided by law.

Witness His Excellency our Governor, Price Daniel, and our seal hereto affixed at Austin this 3d day of January in the year of our Lord 1961.

PRICE DANIEL,
Governor of Texas.

By the Governor:

[SEAL] ZOLLIE STEAKLEY,
Secretary of State.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that a quorum of the House of Representatives had assembled, and that SAM RAYBURN, a Representative from the State of Texas, had been elected Speaker, and Ralph R. Roberts, a citizen of the State of Indiana, Clerk of the House of Representatives of the 87th Congress.

The message also informed the Senate that a committee of three Members had been appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to notify the President of the United States that a quorum of each House had assembled and that Congress was ready to receive any communication that he might be pleased to make.

The message announced that the House had agreed to the concurrent resolution (S. Con. Res. 1) to provide for the counting on January 6, 1961, of the electoral votes for President and Vice President of the United States.

The message further informed the Senate that pursuant to the provisions of Senate Concurrent Resolution 1, the Speaker appointed Mrs. KELLY of New York and Mrs. BOLTON of Ohio as tellers on the part of the House to count the electoral votes on January 6, 1961.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 1) that effective January 3, 1961, the joint committee created by Senate Concurrent Resolution 92, 86th Congress, continue and have same powers as conferred by said resolution, in which it requested the concurrence of the Senate.

The message communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Thomas C. Hennings, Jr., late a Senator from the State of Missouri.

The message also communicated to the Senate the intelligence of the death of Hon. Edith Nourse Rogers, late a Representative from the State of Massachusetts, and transmitted the resolutions of the House thereon.

The message further communicated to the Senate the intelligence of the death of Hon. Keith Thomson, late a Representative from the State of Wyoming, and transmitted the resolutions of the House thereon.

REPORT OF JOINT COMMITTEE ON NOTIFICATION TO THE PRESIDENT—MORNING BUSINESS

Mr. MANSFIELD. Mr. President, the joint committee appointed by the Senate and the House of Representatives yesterday to notify the President that quorums of the two Houses have assembled, and are ready to receive any communication he may desire to make, have performed that duty, and now report that the President will submit in writing his annual message to the Congress on January 12, 1961.

Mr. President, I ask unanimous consent, in view of the fact that the message will not come up until some time next week, that, beginning tomorrow, we permit morning business, and allow for the introduction of bills.

I have discussed this matter with the distinguished minority leader [Mr. DIRKSEN], and I believe he is agreeable.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield gladly.

Mr. DIRKSEN. I see no benefit in deferring until January 12 the introduction of bills, in view of the fact that in the House of Representatives bills are being introduced at the present time; and since the message from the President will not come to the Congress until some time next week, it would work an undue restriction if we withheld introduction of bills and delayed them until the message from the President came to the Congress.

Mr. CLARK. Mr. President, will the majority leader yield, so that I may propound an inquiry?

Mr. MANSFIELD. I yield.

Mr. CLARK. I think what is proposed would be the sensible thing to do, but I think it is very important that those of us who are interested in getting changes in rules brought to a conclusion should understand that such transaction of morning business would not be taken as indicative of our acquiescence in the present rules of the Senate.

I wonder if the Vice President is prepared to rule that we may agree to the transaction of morning business without having acquiesced in the present rules.

The VICE PRESIDENT. That is the Chair's ruling, in view of the fact that it is a unanimous-consent request the majority leader has propounded.

Mr. TALMADGE. Mr. President, on the basis of the statements made, I am prepared to object.

The VICE PRESIDENT. Objection is heard.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 2]

Aiken	Ervin	Miller
Allott	Fulbright	Monroney
Anderson	Goldwater	Morse
Bartlett	Gore	Morton
Beall	Gruening	Moss
Bennett	Hart	Mundt
Bible	Hartke	Muskie
Blakley	Hayden	Neuberger
Boggs	Hickenlooper	Pastore
Bridges	Hickey	Pell
Burdick	Hill	Prouty
Bush	Holland	Proxmire
Butler	Hruska	Randolph
Byrd, Va.	Humphrey	Robertson
Byrd, W. Va.	Jackson	Russell
Cannon	Javits	Saltonstall
Carlson	Johnston	Schoeppel
Carroll	Jordan	Scott
Case, N. J.	Keating	Smathers
Case, S. Dak.	Kefauver	Smith, Mass.
Chavez	Kerr	Smith, Maine
Church	Kuchel	Sparkman
Clark	Lausche	Stennis
Cooper	Long, Mo.	Symington
Cotton	Long, Hawaii	Talmadge
Curtis	Long, La.	Thurmond
Dirksen	Magnuson	Wiley
Dodd	Mansfield	Williams, N.J.
Douglas	McCarthy	Williams, Del.
Dworshak	McClellan	Yarborough
Eastland	McGee	Young, N. Dak.
Ellender	McNamara	Young, Ohio
Engle	Metcalf	

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from Hawaii [Mr. FONG] are absent because of illness.

The VICE PRESIDENT. A quorum is present.

ASCERTAINMENT OF ELECTORAL VOTES

The VICE PRESIDENT. Pursuant to Senate Concurrent Resolution 1, the Chair appoints the Senator from Arizona [Mr. HAYDEN] and the Senator from

Nebraska [Mr. CURTIS] as tellers on the part of the Senate to count the electoral votes for President and Vice President.

PROPOSED AMENDMENT OF CLOTURE RULE

The VICE PRESIDENT. The Chair lays before the Senate Senate Resolution 4, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, That the third paragraph of subsection 2 of rule XXII of the Standing Rules of the Senate is amended by striking out the words "two-thirds" and inserting in lieu thereof "three-fifths".

Mr. ANDERSON obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. ANDERSON. First I should like to modify the resolution.

Mr. President, I modify the resolution by striking out everything after the resolving clause and substituting language which is shown on page 18 of the RECORD for yesterday, amending the entire rule XXII.

I so modify my resolution.

The VICE PRESIDENT. The Senator's resolution will be modified as requested.

Mr. DIRKSEN. Mr. President, for information, may we have the resolution as modified read to the Senate in its entirety?

The VICE PRESIDENT. The clerk will state the resolution, as modified by the Senator from New Mexico.

The LEGISLATIVE CLERK. It is proposed to strike out all after the resolving clause and to insert in lieu thereof the following:

2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by three-fifths of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. HUMPHREY. Mr. President, I offer on behalf of myself, the senior Senator from California [Mr. KUCHEL] and other cosponsors who are listed on Senate Resolution 5, an amendment as a substitute for the amendment of the Senator from New Mexico [Mr. ANDERSON] as modified, and I ask that the amendment designated "1–3–61—A" be read for the information of the Senate.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to strike out all after the resolving clause and insert in lieu thereof the following:

That rule XXII of the Standing Rules of the Senate is amended by adding a new section, as follows:

"4. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays and legal holidays) he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea and nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

Mr. HUMPHREY. Mr. President, first, I ask unanimous consent that the name of the Senator from Utah [Mr. Moss] be added as a cosponsor in any further printing of the amendment and that it be so noted in the RECORD.

The PRESIDING OFFICER (Mr. COTTON in the chair). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, on behalf of myself and the other sponsors of the pending amendment to Senate Resolution 4, I ask that the amendment be modified to have the resolving clause read:

Resolved, That rule XXII of the Standing Rules of the Senate is amended by adding a new section to read as follows:

And on line 3 inserting "4" in place of "3".

The PRESIDING OFFICER. The amendment will be modified accordingly.

The amendment as modified is as follows:

Resolved, That rule XXII of the Standing Rules of the Senate is amended by adding a new section as follows:

"4. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this subsection, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays and legal holidays) he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without futher debate, submit to the Senate by a yea and nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?'

"And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

Mr. HUMPHREY. Mr. President, this is what we call the majority-rule amendment. It has been offered in the nature of a substitute for the amendment offered by the Senator from New Mexico [Mr. ANDERSON].

I understand that the majority leader wishes to make some announcements to the Senate, and I should like to yield to the majority leader without losing my rights to the floor, if that is agreeable.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered. The Chair recognizes the Senator from Montana.

MORNING HOUR

Mr. MANSFIELD. Mr. President, on behalf of myself and the distinguished minority leader I renew my request that there be a morning hour tomorrow for routine morning business and the introduction of bills. I do so because of the fact that the President's annual message will not be sent to the Congress until a week from today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CLARK. Of course, I have no objection; but I should like the RECORD to show again that the proposed action on the unanimous consent request does not involve any acquiescence in the present rules of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

INAUGURATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present consideration of House Concurrent Resolution No. 1.

The PRESIDING OFFICER. The clerk will read the concurrent resolution.

The legislative clerk read the concurrent resolution (H. Con. Res. 1) as follows:

Resolved by the House of Representatives (the Senate concurring), That effective from January 3, 1961, the joint committee created by Senate Concurrent Resolution 92, of the Eighty-sixth Congress, to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1961, is hereby continued and for such purpose shall have the same power and authority as that conferred by such Senate Concurrent Resolution 92, of the Eighty-sixth Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, reserving the right to object may we have a ruling from the Chair on the following parliamentary inquiry: In view of the fact that the proposed rules changes are now at issue and are subject to amendment, will the Chair rule that any intervening business now transacted, whether by unanimous consent or otherwise, does not change the situation as ruled upon by the Vice President preliminarily, and that we are proceeding under the Constitution insofar as those rules changes are concerned rather than under the rules of the Senate?

Mr. HOLLAND. Mr. President, I should like to be heard upon that request, if I may.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. I would have no objection whatever to having such consent given with respect to the business now proposed, but to have it given in the general and broad terms suggested and requested by the Senator from New York would, I think, be entirely inappropriate, and I would not agree to it because, as stated by him, the provision would be that any business of any kind intervening would not be ruled to be business transacted under the rules. I trust that the Senator realizes his request is much too far reaching for us to be able to agree to it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I withdraw the resolution.

The PRESIDING OFFICER. The resolution is withdrawn. The Senator from Minnesota [Mr. HUMPHREY] has the floor.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HOLLAND. If the majority leader will postpone his withdrawal, I should like to add that the Senator from Florida was not objecting in any way to the request of the majority leader nor to any reasonable request that would exempt action upon the resolution offered by the majority leader, but was objecting to the general and all-inclusive terms of the request made by the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I have the floor; is that not correct?

The PRESIDING OFFICER. The Senator from Minnesota still has the floor, but has yielded to the Senator from New York, who is recognized at the moment.

Mr. JAVITS. Mr. President, I wish to make clear that I was not making a unanimous-consent request. There appears to be a misapprehension on the part of my friend from Florida.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator from New York was propounding a parliamentary inquiry.

Mr. HOLLAND. The Chair, of course, is correct, as is the Senator from New York. But the objection made by the Senator from Florida is just as valid when made to the parliamentary inquiry as it would have been if it had been made to a unanimous-consent request. This is because the Senator from New York, whether knowingly or otherwise, had predicated the words used upon such a general statement as to foreclose the raising of any question as to whether any business being transacted, no matter what kind, comes under the rules of the Senate, if it intervened between now and the passage on the pending business.

The PRESIDING OFFICER. In view of the withdrawal of the resolution, does the Senator from New York withdraw his parliamentary inquiry?

Mr. JAVITS. I do.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MANSFIELD. I again submit the concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. RUSSELL. May the concurrent resolution be read?

The PRESIDING OFFICER. The concurrent resolution will be read again.

The concurrent resolution (H. Con. Res. 1) was read as follows:

H. Con. Res. 1. Concurrent resolution that effective January 3, 1961, the joint committee created by Senate Concurrent Resolution 92, Eighty-sixth Congress, continue and have same powers as conferred by said resolution.

The PRESIDING OFFICER. Is there objection to the consideration of the concurrent resolution?

Mr. JAVITS. Reserving the right to object, I propound the following parliamentary inquiry: Will the adoption of this resolution in any way change the procedural situation before the Senate in respect of the resolution to change rule XXII and any substitute therefor?

The PRESIDING OFFICER. Does the Senator from Florida wish to discuss the answer to the parliamentary inquiry?

Mr. HOLLAND. I merely wish to state that my prior remarks, addressed to the generality of the former request of the Senator from New York, have no application to the present request, which is specific and not objectionable, as was the former request.

The PRESIDING OFFICER. The present occupant of the Chair would rule that consideration of the resolution offered by the distinguished Senator from Montana [Mr. MANSFIELD] would change the situation in regard to the rules of the Senate, unless there is a unanimous-consent agreement entered into that it shall not do so. The present occupant of the Chair must in frankness inform the Senate that for the first time in his 6 years of service he is making a ruling from the Chair which is not entirely in accord with the advice of the Parliamentarian, who is inclined to believe that because this resolution is in the nature of a privileged resolution, having to do with the inauguration of the President, it might not have that effect. However, the occupant of the Chair does not dare to make that ruling. The ruling of the occupant of the Chair, unless it is overruled by the Senate, is that, in the absence of an agreement, this would change the situation.

Mr. MANSFIELD. Again I withdraw the resolution.

The PRESIDING OFFICER. The resolution is withdrawn.

Mr. RUSSELL. Mr. President, a parliamentary inquiry. Will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Georgia.

Mr. RUSSELL. Has not the resolution offered by the distinguished Senator from New Mexico [Mr. ANDERSON] been duly laid before the Senate as business coming over from the previous day, under rule XL?

The PRESIDING OFFICER. It has been so laid down.

Mr. RUSSELL. Then how is the question raised with reference to that resolution, when it is already before the Senate? It seems to me we are engaging in vigorously kicking a dead horse.

The PRESIDING OFFICER. The Chair is not clear as to what resolution the distinguished Senator from Georgia has reference to. Is he referring to the resolution which was submitted and withdrawn by the Senator from Montana?

Mr. RUSSELL. I am not. I am referring to the resolution submitted by the Senator from New Mexico [Mr. ANDERSON].

The PRESIDING OFFICER. That is what the Chair understood. That resolution is before the Senate.

Mr. RUSSELL. It is now pending before the Senate. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. RUSSELL. Having been laid down as business coming over from the previous day, under rule XL. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. RUSSELL. Again I utterly do not understand the parliamentary inquiry propounded by the Senator from New York [Mr. JAVITS]. We are belaboring a dead issue and kicking a dead horse.

The PRESIDING OFFICER. This has to do with a different resolution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Florida.

Mr. HOLLAND. It seems to me that the privileged resolution twice advanced by the distinguished majority leader and twice withdrawn is of such a privileged nature and so necessary in connection with the inauguration that it ought to be considered under unanimous consent and should not change in any way the status of the pending situation now before the Senate. The Senator from Florida seriously suggests to the majority leader that such course is open and available. The Senator from Florida, by raising the question he raised a moment ago, did not in any way want to be considered as interrupting or interfering with the adoption of the necessary resolution in connection with the approaching inauguration. I am sure that the Senator from New York also would not wish to interfere with it in any way.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. JAVITS. I do not believe that one has to play games on the floor of the Senate. Therefore I should like to respond to the observation made by the distinguished Senator from Georgia. The point, Mr. President, is this: This resolution would be entirely in order today under rule XL. The question which will pinch will come up when there is an effort made to close debate, and the question will be, Do the rules of the Senate apply, or are the rules to be applied by the Chair, because this is a procedure under the Constitution? It is at that time that the real issue will arise, which can be laid before the Senate as a constitutional question. Then every technical question will arise, including whether the Senate has or has not transacted other business; or whether it is that we comply very thoroughly with the advisory opinion given by the Vice President now for the third time—1957, 1959, and 1961.

So long as I am on the floor, whether or not other Members might think that this is unnecessary, I shall seek to protect those rights. That was the only purpose of my parliamentary inquiry.

The PRESIDING OFFICER. The Chair has ruled that if the distinguished Senator from Montana [Mr. MANSFIELD] asks unanimous consent, it will not alter the situation. If he does not do so, the Chair adheres to the ruling that it might affect the situation before the Senate.

Mr. RUSSELL. In view of the statement of the Senator from New York, I will endeavor to be as objectionable as he has tried to be. I object to the consideration of the resolution by unanimous consent.

The PRESIDING OFFICER. The resolution has been withdrawn.

AMENDMENT OF CLOTURE RULE

The Senate resumed the consideration of the resolution (S. Res. 4) to amend the cloture rule by providing for adoption by a three-fifths vote.

Mr. HUMPHREY. Mr. President, until we have time to clarify this rather confusing situation, it might be well to proceed with something that is a rather noncontroversial subject, such as the proposed change in the rule relating to extended debate in the Senate.

It seems to me that this will be a very much more understandable subject than the one we have just discussed.

I am very happy and proud to be one of the sponsors of the amendment in the nature of a substitute for the proposal of the Senator from New Mexico.

The present rule XXII, starting with section 2, provides:

> 2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:
>
> "Is it the sense of the Senate that the debate shall be brought to a close?"
>
> And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

What that technical language really boils down to is simply this: That upon a cloture petition having been filed, and 2 days thereafter, two-thirds of the Senators present and voting may terminate debate.

The amendment which has been presented by the Senator from California [Mr. KUCHEL], one of the outstanding leaders of the Republican Party, and the senior Senator from Minnesota, together with a number of other Senators, would alter this situation by providing that a majority of Senators duly qualified and sworn, commonly referred to as a constitutional majority, could—15 days after filing a motion for cloture—bring the debate to a close.

We do not provide for repeal of section 2. Section 2 provides for a 2-day period after the filing of a motion for cloture, and then for two-thirds of the Senators present and voting.

The amendment now before the Senate provides that after a 15-day period, a majority of Senators duly qualified, chosen, and sworn shall be able to terminate debate. In other words, this is the second stage, so to speak, in providing an effective means of terminating debate. Then, of course, we provide for 1 hour of debate for each Senator—100 hours of debate—after the 15 days have elapsed.

So if in 100 hours of debate, plus 15 days after the filing of a cloture petition, it is not possible to bring debate to a close without having denied any Senator who has something which he would like to offer to the motion the opportunity to speak, then, indeed, the question must be more complex than discoveries in outer space.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SALTONSTALL. Is my understanding correct that 16 Senators who wish to ask for cloture can either debate the measure under section 2 and go forward in that way, which is according to the present rule, or can file a motion under subsection 3, which is the amendment which the Senator from Minnesota is now suggesting? Can the 16 Senators proceed on one or the other basis, by adopting the second subsection procedure or the third subsection procedure?

Mr. HUMPHREY. They have a choice.

Mr. SALTONSTALL. They have a choice. If they fail on the first one, or subsection 2, then I assume they could go forward under subsection 3, which is the new section.

Mr. HUMPHREY. It is actually subsection 4, because it is not proposed to repeal subsection 3, which relates to rule VIII. The proposal before the Senate would be the second position.

Let us assume a situation where there was extended debate. Several Senators might say, "We ought to bring the debate to a close." Suppose 16 Senators then signed a cloture petition, which would be before the Senate for 2 days. Then suppose an attempt were made to bring the debate to a close. The Presiding Officer would place the question before the Senate, and the yeas and nays would be called for. Then suppose two-thirds of the Senators present and voting said it was the sense of the Senate that the debate should be brought to a close. That would be it. The debate would be brought to a close.

Mr. SALTONSTALL. Suppose the motion failed?

Mr. HUMPHREY. If it failed, it would be necessary to wait 15 days after the signing of a petition by 16 Senators before a vote could be taken to make cloture by a constitutional majority of the Senate.

Mr. SALTONSTALL. That would have to be a new petition, would it not?

Mr. HUMPHREY. That would have to be a new petition.

Mr. SALTONSTALL. So an alternative procedure is provided, and 16 Senators can proceed under whichever plan they prefer.

Mr. HUMPHREY. The Senator from Masachusetts is correct.

Mr. SALTONSTALL. If they are defeated on the first procedure, then they may use the other procedure.

Mr. HUMPHREY. The Senator is correct. Subsection 4, or the new proposal being offered, does not, I repeat, repeal anything in the existing Senate rule. The existing Senate rule would remain as it is, to be applied at the discretion of the Members of the Senate. What we are seeking to provide by the new subsection is a further method of terminating debate, but recognizing that 15 days are added following the filing of a cloture petition. That means that much more debate is allowed, and therefore, the number of Senators required to bring that debate to a close would be reduced from two-thirds of those present and voting to what is called a constitutional majority.

Mr. SALTONSTALL. If the resolution being offered by the Senator from Minnesota as a substitute for the resolution offered by the Senator from New Mexico prevails, then the resolution of the Senator from New Mexico cannot be voted on. If the substitute offered by the Senator from Minnesota fails, then there can be a vote on the Anderson substitute.

Mr. HUMPHREY. The Senator from Massachusetts is again correct. While I surely have no special right to explain the purposes of what, for simplicity, we might call the Anderson resolution, the Anderson resolution does not add a new subsection. The Anderson resolution is a rewriting of the existing subsection 2.

In substance, what it does is to change the arithmetic from two-thirds of the Senators present and voting to three-fifths of the Senators present and voting.

The amendment offered by the Senator from California [Mr. KUCHEL] and many of his colleagues on his side of the aisle, and the Senator from Minnesota and many of his colleagues on the Democratic side of the aisle, would leave section 2 as it is, and would add a new section, section 4, which would provide an alternative method of concluding debate on a question on which there has been very extended debate.

I raise the point again that our proposal requires that after a cloture petition has been filed by 16 Senators, under the rules of the Senate 15 calendar days must elapse before the Presiding Officer can place before the Senate the question: Is it the sense of the Senate that the debate should be closed?

Mr. SALTONSTALL. The justification for the reduced number of Senators necessary to bring the debate to a close is the 15 days of debate plus the length of time which must elapse after the motion has been made.

Mr. HUMPHREY. The Senator is again correct. His comments and questions have been very helpful in explaining the proposal. So that there will be no misunderstanding, let me make it clear, so that those who may take part in the argument or may be in opposition will understand the position of the proponents of the amendment, we are not seeking to gag the Senate. As a matter of fact, the procedure which is established makes it mandatory that 15 days elapse after the cloture petition, signed by 16 Senators, has been filed; and that after 15 days, 100 hours more of debate shall be available. So I repeat that the 15 days plus the 100 hours of debate—the latter amounting to approximately 4 more days of 24 hours each, or 12 days of 8 hours each, or whatever number of days it is desired to break the hours into—would provide a tremendous amount of time to explore and explain fully the issue before the Senate.

Mr. SALTONSTALL. Theoretically, the provision of 100 hours is to enable each Senator to speak for 1 hour.

Mr. HUMPHREY. Yes.

Mr. SALTONSTALL. Could any Senator speak more than twice under this proposal?

Mr. HUMPHREY. Under the proposed amendment, each Senator shall have 1 hour on the measure, motion, or other matter pending before the Senate. He is entitled to speak only 1 hour. He may possibly speak twice in that 1 hour. It does not mean that he may speak only once. He may divide his time.

Some other suggestions have been made. I may say that the distinguished Senator from New York [Mr. KEATING] very favorably impressed me with a suggestion he made on a television or radio program, or in a press interview. I presume he may later want to speak on this subject himself. The Senator from New York attempted to afford a little more flexibility in the allocation of time, and to make it absolutely certain that one-half of the time would be allotted to the proponents of a particular proposal and one-half of the time for the opponents, regardless of the number of Senators who might participate in the debate. Do I correctly understand the proposal of the Senator from New York?

Mr. KEATING. Mr. President, will the distinguished Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. KEATING. The Senator is correct. I appreciate his comments. It has always seemed to me that the present rule providing for 1 hour for each Senator after cloture is illogical. It has no historical basis and does not make sense. There might be many Senators who would want to use less than an hour, whereas there might be Senators, particularly in the minority, who might want to consume more than the 1 hour allotted to each Senator.

Therefore, it has seemed to me that it would be more reasonable both to the minority on the particular issue and to the orderly procedures of the Senate if the time were divided between the majority leader and the minority leader and if, under the rule, they in turn were required to allocate their time among those who favored and those who opposed the particular issue before us.

At the appropriate time I intend to offer my proposal as an amendment to the pending substitute. I would like to propound a parliamentary inquiry to the Chair, if the Senator from Minnesota will permit me to do so.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for the purpose of the propounding of a parliamentary inquiry?

Mr. HUMPHREY. I do.

Mr. KEATING. Mr. President, do I correctly understand that the substitute offered by the Senator from Minnesota, the Senator from California, and several other Senators is open to amendment?

The PRESIDING OFFICER. It is open to amendment.

Mr. KEATING. I thank the Chair.

I say frankly to the Senator from Minnesota that I would not be inclined to press my proposal if it were highly controversial; as the Senator knows, I do not wish to do anything to interfere with our principal effort. This proposal is a little off the beaten track; but while we are considering this subject, perhaps we should act on its other aspects. It may be that my suggestion would appeal to all sides here. It really is in the nature of an effort to compromise our differences. It seems to me that those who were in the minority on a particular issue would prefer to have the time divided equally between those who favored their position and those who favored the majority position, instead of having each Senator be permitted to speak for 1 hour.

I appreciate the comments of the Senator from Minnesota, and I shall be prepared to offer this as an amendment at whatever seems to be the appropriate time.

Mr. DWORSHAK. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I am happy to yield.

Mr. DWORSHAK. Does the 1-hour restriction also apply to the majority whip; or will he be permitted to use the unused time allotted to other Senators?

Mr. HUMPHREY. I am happy to respond to my friend. Of course we believe in equal treatment under the rules; and although it would be unfortunate for the majority whip to be restricted to 1 hour, because I am sure I shall be able to edify my friend considerably, nevertheless I shall try to be brief and to give my friend a concentrated, consolidated dose on the issues in a limited period of time. [Laughter.]

Mr. KEATING. Mr. President, if the Senator will yield, let me say that in making my suggestion I had in mind not only the minority Senators, but also, and specifically, the Senator from Minnesota. In fact, we would be glad to have him use 50 percent of the available time. [Laughter.]

Mr. HUMPHREY. The Senator from New York is extremely kind; and it is the solicitous attitude on his part that endears him to me. I want him to know that I shall always be responsive to such treatment.

Mr. KEATING. I appreciate the Senator's statement.

Mr. HUMPHREY. In fact, I would be agreeable to having only one-half of the 50 percent. [Laughter.]

Mr. President, I believe the proposal of the Senator from New York has great merit, and I hope he will offer the amendment.

The reason why the present amendment in the nature of a substitute did not go into that matter was that we had presented the same amendment in the nature of a substitute 2 years ago, and

we did not have time to contact every sponsor before it was drawn up this time. So it seemed to me that it might be better to have this open discussion about the Senator's amendment here on the floor. Therefore, I think that at that time his amendment will be proper, and I think it is a very desirable one.

Mr. KEATING. I agree entirely with the Senator's views. Again I say that I would not be disposed to press this matter if there were great opposition from any side. The amendment is really intended to promote the acceptability of majority rule and not to complicate the issue.

Mr. HUMPHREY. I thank the Senator from New York.

Mr. President, I desire to make only one or two other observations.

The general argument used against the majority rule provision to apply a limitation to debate is that it would limit free speech, that it would gag the Senate, that it would constitute a denial of full opportunity for expression. But, Mr. President, the duty of the Congress, under the Constitution, is to act and to do business. In the constitutional article which relates to the Congress, almost the first words of section 5 are these: "A majority of each shall constitute a quorum to do business."

Mr. President, we are here to do the business of the Government, to represent the interests of our people, and to conduct the business of the legislative branch of the Government.

Furthermore, although I am sure that some of my colleagues will go into this matter in a more scholarly manner and with great research, if my memory is correct most of the great parliamentary bodies of the world have a way to terminate debate by majority rule, after extended debate.

Let me say that many of the State legislatures—in fact, the legislatures of many of the States which are so ably and effectively represented here by some of our colleagues who support what we call the filibuster or extended debate—have rules pertaining to their State senate or their State house of representatives to bring debate to a close by majority rule. In other words, this is no great innovation or no radical departure from tradition in our legislative bodies. It is not what I might even call very far on the new frontier, I say to my friends on the other side. It is really old, established ground; and the Senate should be catching up with what I believe to be well-established tradition in many legislative bodies.

Furthermore, I want it to be very, very clear that before a cloture petition ever is filed in this body, Senators are reluctant to sign such a petition. Every Senator is jealous of his rights. My good friend, the Senator from Idaho, was concerned about the amount of time I might wish to utilize on one of these issues; and that is a justifiable concern, let me say, in light of the extended service we have had here. I can appreciate that people might have some reason to be concerned about that. I can assure my colleagues that under no circumstances would I wish to sign a cloture petition until there had been plenty of time properly to discuss any issue before the Senate. Every Senator feels very keenly about this matter.

So we are relying, first of all, on the tolerance, the understanding, the experience and, I believe, the sense of fair play of every Senator. Certainly if there is anything that characterizes the Senate, it is fair play. Whatever may be any Senator's view on any issue, before any cloture petition would ever be signed by 16 Senators, to be presented to the Presiding Officer, even under the existing rule XXII, many days of debate would have been had.

My colleagues will recall our experience with this matter a year ago. Long debate was had on the question of the civil rights issue; and in the history of the Congress there has been long debate on issues relating to a host of subjects—not only civil rights, but also matters of national security, tariff, and finance. We do not propose to change the rules in order to have the Senate pass any one piece of legislation. Instead, we are discussing a proper change of rules in order to insure more effective, responsive, and responsible operation of the Senate.

So I repeat that we have that background of tradition which restrains us in terms of any premature cutting off of debate. We have that background of experience and tradition which restrains us from any premature filing of a cloture petition; and under the provisions of the amendment in the nature of a substitute, now before us, we provide for 15 days of debate after the petition has been filed before the Senate is asked the question, "Is it the sense of the Senate that debate should be brought to a close?"

If anyone deems that to be a denial of the right of free speech, then indeed I believe that person has extended the concept of free speech beyond what is the requirement for a responsible and effective legislative body.

Mr. President, there are going to be many other Senators who will want to be heard on this subject. I merely opened the debate in order to place it before the Senate.

I wish to thank my colleagues who have joined in the cosponsorship of the proposal. They are men who have given considerable thought to this particular situation. Many of the Members of the Senate who have joined as cosponsors are Senators who in the past have not always looked upon this proposal with favor. They have come to an understanding of its acceptability and its need through experience in this body.

I want to pay particular thanks to my colleague from California [Mr. KUCHEL], with whom I have had the privilege of working on this matter; and, if I may, to all those Senators on both sides of the aisle who have given so much time to the subject.

I would be remiss if I did not thank the Senator from Illinois [Mr. DOUGLAS] and the Senator from Pennsylvania [Mr. CLARK], who have done, really, all the basic research, insofar as this side of the aisle is concerned, on this particular matter; and the two Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from New Jersey [Mr. CASE], and the Senator from California [Mr. KUCHEL].

I know I leave out other Senators, but those four will be the leaders in the effort to modify, in a sensible, responsible, and moderate manner, the rules of the U.S. Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator yield?

Mr. HUMPHREY. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Can the Senator from Minnesota tell me when last a majority voted to shut off debate, and that debate was not cut off for lack of a two-thirds vote?

Mr. HUMPHREY. No, I cannot; I am sorry. I shall be more than happy to ascertain if that situation ever prevailed. I am not prepared to give the Senator an answer.

Mr. LONG of Louisiana. Is it not correct that during the last 6 years there has never been a case where a majority of the Senate has voted to end debate?

Mr. HUMPHREY. May I say to my friend, who, I have a suspicion, may not enthusiastically vote for this proposal—I do not think he is going to vote for it at all, enthusiastically or not—he has resolved some of his own doubts because he may now be able to give us a vote if he feels a majority will not really be able to exercise the power which would be granted under the modification of rule XXII.

I say in all respect now that I do not think it is very important whether or not, in the last 6 or 8 or 10 years, a majority has curbed or limited debate in the Senate after the filing of a cloture petition. I do not believe that is the issue. I think the issue is whether or not to have in our kit, in our rulebook, a rule that is fair, a rule that is workable, a rule that, if the situation so develops that it is needed, we shall have available to deal with the problem.

For example, the Government of the United States has spent billions of dollars on missiles, and they are supposedly for our defense. I might ask: Can any Senator show me that we have ever used any of these missiles in the defense of this country? Have we ever fired one at an opponent or an enemy? The answer, of course is "No." But that does not mean we should not have an arsenal of missiles. It does not mean we should rely on missiles; we should have an arsenal of a variety of weapons.

The analogy may be farfetched; but it is necessary that the rule book, the rules that govern the operations of the Senate, may be used for the purpose of orderly debate or discussion, in order to enable us adequately to meet whatever situation may develop, in order to properly process needed legislation.

I believe the Senator from Louisiana has given one of the best arguments we have in our favor, namely, that the Senate is, indeed, very reluctant ever to cut off debate. But I want to be sure that, in the critical days in which we live, if we have had weeks of time to properly discuss an issue and if there is a great

need to terminate debate, in the public interest, we have the equipment to do the job.

I respectfully point out that I do not recommend the repeal of section 2. I voted, as a second alternative, for the 66⅔ percent provision, that is, two thirds of Senators present and voting. I also stated that was an improvement over the previous rule. I felt that the majority leader of the Senate, soon to be Vice President, LYNDON JOHNSON did a great service for this body when he proposed a much advanced and improved rule that applied to every motion and measure before the Senate, even a motion to bring up a change in the rules. As Senators will recall, the old rule had a loophole in it which denied us an opportunity to apply cloture to any motion to bring up a change in the rules.

The then Senator from Texas, Mr. JOHNSON, gave us a new rule, with, of course, concurrence of the majority of the Senate. It did not go as far as I thought it should, but I said it was a substantial improvement. I received some criticism for being as complimentary as I was. But I expect that. A Senator is seldom able to satisfy anybody in this body. He is lucky to be able to satisfy himself. The minute a Senator makes an adjustment to reality, there is always someone ready to "clobber" him.

There are some who are always ready to say that the real test of a great man is to be able to say "No." I do not believe that. I think the great test is making progress. I think we made progress. Therefore, I do not believe in tearing down the house that we made. It was a good edifice, a good structure. It did not do everything I thought it ought to do, but it was a great improvement.

So the proposition advanced by the Senator from California [Mr. KUCHEL], the Senator from New York [Mr. KEATING], and the Senator from Illinois [Mr. DOUGLAS] does not abolish section 2 of rule XXII. We do not want to take the legislative excavator and rip up what we did. What we do is call upon the skilled craftsmen of this body to build a new and a better edifice that is required for possibly a new situation.

I think we have exemplified reasonableness. I believe our proposition is sound from every point of view. It destroys nothing. It contributes something. It may not be everything we shall want in the days ahead. But we build as we go along.

Mr. KEATING. Mr. President, will the Senator yield at that point? I have the figures before me.

Mr. HUMPHREY. Yes.

Mr. KEATING. The last date on which a majority voted for cloture was July 26, 1954. The issue at that time had nothing to do with civil rights, but, as the Senator has suggested, with an entirely different subject, the Atomic Energy Act.

Mr. HUMPHREY. Yes.

Mr. KEATING. That fact, to my way of thinking, adds importance to what the Senator from Minnesota is saying. There is a tendency to emphasize the issue of civil rights in this discussion. Actually, the action to which I have referred had to do with an entirely different subject; namely, atomic energy.

Mr. HUMPHREY. I thank the Senator. As I said before, he has done a great deal of research on this matter.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield at that point——

Mr. HUMPHREY. I am happy to yield.

Mr. LONG of Louisiana. Does not the Senator recognize that one of the greatest services that has been performed in this body in the last 20 years was what started out to be an effort by a minority on this side of the aisle in opposition to a giveaway of the patent rights of this Government to private concerns under the Atomic Energy Act? Was not the battle won simply on that basis? There was a temporary majority. After the Members of the Senate heard the debate, the majority was no longer a majority. There was a majority seeking to ram its views down the throats of a minority. The minority held the floor for a while.

I believe the Senator from Minnesota was part of the minority which held the floor.

Mr. HUMPHREY. I was indeed. I was present on that particular occasion, in that particular situation, as I remember, for either 28 or 30 days. It was one or the other, either 28 or 30 days.

I wish to point out that before a cloture petition was filed, a month of debate had taken place. Incidentally, if one cannot teach Senators about the facts of life in a month, there must be too many slow learners in this body. I think we ought to be able to catch on in a month.

One may not wish to understand. One may have an entirely different philosophical point of view; and, therefore, from one's individual viewpoint one may not be able to be convinced, or to be convincing.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HUMPHREY. Will the Senator permit me to complete my statement? If we debate for 30 days before we have a petition signed by 16 Senators, who feel it is about time to draw the debate to a close, under the present rule 16 Senators can file a petition and 2 days later the Presiding Officer will have no choice, but must, from the Chair, ask the question stated in rule XXII, which is:

> Is it the sense of the Senate that the debate shall be brought to a close?

That is it. If two-thirds of the Senators who are present and voting say "Yes," the debate will stop.

What is the proposal before us, which we advance today as a substitute for the Anderson resolution? What would it do? It would provide that 16 Senators could file a petition, and 15 days after they filed the petition if a constitutional majority should vote to terminate the debate, then the issue would be voted upon after each Senator was allowed to utilize an hour in debate.

It would not say to Senators, "You are going to vote my way." It would simply say, "You have talked long enough. If you have not been able to explain the subject in the 2 months in which you have been arguing about it now, you will possibly never be able to come to any closer decision, so you should either say 'Yea' or 'Nay.' You do not have to vote 'Yea.' You do not have to vote 'Nay.' You may vote what your conscience and your enlightenment and your own perception of the issue tells you to vote."

I repeat: I remember the occasion. The Senator from Louisiana was very active in the atomic energy fight. The Senator did a great service for his country. I hope I did a little something, also.

I remember what was done by other Senators. The distinguished former Senator from Colorado, the former Governor, Ed Johnson, was very active, I remember, in that debate. I mention it because he used to sit in a chair near where the Senator from Louisiana is standing.

I remember very well how we battled for days in the Senate to protect what we thought was the public interest.

After weeks of the fight a cloture petition was presented. I have forgotten who initiated the cloture petition, but 16 Senators said, "Look, we have had enough. We are going to try to draw this debate to a close." Sixteen Senators signed the petition, and 2 days later it was laid down for a vote.

Under the Kuchel-Humphrey proposal, this bipartisan proposal we have before us today, we would not demand that Senators vote 2 days after the cloture petition was filed. We would say, "Very well. You have had 30 days to argue already. We will give you 15 days more. Anyone, during those 15 days, may say anything he wishes to say. Anyone may argue as much as he wishes to, or speak as long as he wishes to, during those 15 days. Then, after the 15 days, we will give 100 hours more."

I wish to say that the Senator from Louisiana can convince nearly anyone I know of of almost anything in less than 100 hours, or 15 days. I have great respect for the Senator. In fact, one of the worries I have had about this generous proposal is that if it were to be utilized by a man of such a sweeping intellect and charm as the Senator from Louisiana I am afraid he might talk me into something into which I should not be talked—but I will take the gamble.

Mr. LONG of Louisiana. If the Senator will yield briefly, I appreciate all of these high compliments, but I think it is well that those who are present in the galleries should know what the Presiding Officer well knows, which is that the rules will not let the Senator from Minnesota refer to me in any other respect. [Laughter.]

Mr. HUMPHREY. This is one of the reasons why I believe we ought to have good rules in the Senate.

Mr. LONG of Louisiana. Yes. The same thing is true with respect to the Senator's statement that Senators are not slow learners. The rules will not let a Senator say Senators are slow learners. The rules require that a Senator must always speak out with all deference and say nothing that any Senator could take offense at, which means a Senator has to be something of a mindreader when he does not agree with somebody.

I will say to the Senator that if the rule as advocated had been in effect when

this tremendous national service was effected for this country in 1954, the victory never would have been won. I take no credit for that. The Senator from Tennessee [Mr. GORE], I think, probably rendered the greatest service to this Nation at that time. The Senator from Minnesota [Mr. HUMPHREY] contributed mightily.

A great national service was provided, but that victory never would have been won, to preserve for the public the billions upon billions of dollars of investments, from special interests who wanted to grasp the patent rights to everything the Government had paid for for the benefit of the people, under a rule such as is advocated. That great victory was won because those who were trying to force this thing down the throats of an unwilling minority were compelled to recognize that the minority could carry on for quite a while, and there was no assurance the debate ever could be brought to a close unless there was recognized what was happening, which was that the minority had a case which had to be considered and that the majority was going to have to make some concession.

I believe, if the Senator will reflect he will recall perhaps the greatest accomplishment of that debate was the fact that an administration, fresh in power, with what was regarded as a mandate to do anything it pleased and anything it thought wise, was compelled to yield to the views of some who have been proved to have been right on a matter of enormous consequence to this country.

The Senator from Minnesota, I know, has never been in favor of the rule we have at present. The Senator may have voted to take it, on one occasion, as the lesser of a number of evils.

Mr. HUMPHREY. The Senator is correct.

Mr. LONG of Louisiana. I am curious to know what argument the Senator would direct to those of us who voted for the rule, to convince us that we should now move in a manner which, in my judgment, would do violation to the rules and to the traditions of the Senate? That is what would happen if we were to adopt a new rule without trying the old one.

The Senator made reference to a missile. I can see that a missile is necessary in terms of defense, but I would not be able to understand why, if we spent a great amount of our energy and wealth constructing a very fine missile, we should discard it without ever trying it to see if it worked. I would push the button to see.

Mr. HUMPHREY. I am not advocating discarding the missile of subsection 2 of the rule. Not at all. I say we will keep that. Apparently some Members of the U.S. Senate feel that is a very, very sound rule.

I wish to make the record clear. I think it was an improvement. I do not think it is as good a rule as we need.

I have been a supporter of majority cloture, and I believe a majority ought to be able to act in this body. The Constitution of the United States specifically provides those areas where a majority is not all that is required, where more than a majority is required, such as with respect to the approval of treaties and the overriding of vetoed bills and resolutions.

For a considerable period of the history of this country, in some of its greatest hours and in some of its greatest decades, a majority constituted a quorum for the purpose of doing business, including the shutting off of debate in the U.S. Senate.

We have had men like Daniel Webster, Henry Clay, John C. Calhoun, and other great men who lived under rules which provided a majority could cut off debate. I do not think it will do any damage to the U.S. Senate if we provide that a majority shall again apply for the purpose of cutting off debate, particularly if we require that 16 Senators, all of whom wish to have an opportunity to speak as long as they feel there is any need to speak, must sign a petition, and that petition must lie on the desk for 15 days, during which 15 days Senators can argue to their hearts' content, and then after 15 days have expired there shall be 100 hours more of debate permitted, so that each Senator will have a chance to participate in the debate. It seems to me, Senator, that the public interest will be well guarded.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KUCHEL. I think the record should show that if at the time of the atomic energy discussion or filibuster, if my friend from Louisiana would prefer to use that word, the resolution which the Senator from Minnesota, I, and others are sponsoring now was a rule of the U.S. Senate, cloture would not have been invoked. Our rule would require a constitutional majority of 51. All that the proponents of cloture could muster in favor of their motion during the debate or filibuster on atomic energy was less than a majority.

Mr. HUMPHREY. Forty-four to forty-two.

Mr. KUCHEL. In my judgment, the argument of the Senator from Louisiana is not a reason to oppose the resolution.

Mr. LONG of Louisiana. What assurance can the Senator from Minnesota offer us, if his proposed amendment is adopted, that it will be the last we shall hear of the subject?

Since the day I first came to the Senate the first matter of business has always been an attempt to change the rules of the Senate to limit and restrict free debate in the Senate. What assurance do we have, if we should accept the proposed amendment of the Senators, that it would be the end of the discussion, and that we would not be again confronted with the same subject next year. It may lead to the kind of situation we have in the State legislature of my State, whereby a legislator could make his speech and move the question after a single speech had been made. It might be good practice for that legislature, but I do not think it would be good practice for the U.S. Senate.

Mr. HUMPHREY. There is no assurance that any Senator can give at any time anywhere that if the Senate should adopt the proposed rule embodying the majority principle which has been advocated first, I believe, by the Senator from Oregon [Mr. MORSE], former Senator Lehman, and many others, some other Senator may not come back later and say, "I think the rules should be changed." Perhaps some Senators will say, "We do not like the rule. Perhaps the rule should require a vote of three-fourths of those present and voting."

We cannot bind future Congresses. We must rely on the good judgment, restraint, and experience of Senators, the traditions of this body, and our understanding of the need of free and open discussion. I submit that the history of this country indicates that when we did not have a rule requiring a vote of two-thirds of the Senators present and voting, as the present rule requires, when there was a rule requiring a simple majority to cut off debate, there were great Senators, and great public issues were decided. The Republic was not destroyed. The Senate was a mighty institution.

I merely say there is good reason to believe that the existing body of rules known as the Senate rules which are now in the Senate manual ought to be amended, not to destroy what we have built, but to add an additional protection for what we call responsible representative government, in order to make it possible for a majority of Senators who have been elected by the people of the United States and the people of the respective States to do business, because the Constitution requires that a majority shall constitute a quorum for the purpose of doing business.

Mr. MORSE rose.

Mr. KUCHEL. I yield to the Senator from Oregon.

Mr. MORSE. I rise to confirm what the Senator from California [Mr. KUCHEL] said a few moments ago in regard to the filibuster on the atomic energy bill in 1954. The CONGRESSIONAL RECORD will show that I participated in that filibuster. In fact, I believe I am the only liberal in the Senate who admits he filibusters. The remainder of my liberal colleagues talk about prolonged debate. But I have never filibustered to prevent a vote from ever occurring on a piece of legislation, and I never shall. But sometimes liberals should filibuster long enough to see to it that the public is informed as to what the Senate is up to.

Sometimes we need a few watchdogs in the Senate to keep the public informed as to what the Senate is up to. On that particular occasion the Senate was up to defeating the rights of the American public by way of a steamroller which the then majority leader sought to impose upon the Senate that afternoon. I remember it as though it were yesterday.

He asked for a unanimous consent agreement to vote on that proposed bill on that day or we could start talking. The bill did not reach the floor of the Senate until that afternoon. My recollection is that the bill was about 110 pages long. I never start to filibuster without preceding it with an offer of the Morse antifilibuster resolution. The Morse antifilibuster resolution, which I have introduced year after year and will offer again this afternoon before adjournment or recess, provides for the

basic principles contained in the resolution which the Senator from Minnesota [Mr. HUMPHREY], the Senator from California [Mr. KUCHEL], and other Senators have offered on this occasion. I am a cosponsor of that resolution, too.

As the Senator from Minnesota has said, we should consider the various antifilibuster resolutions, whether it is the Morse resolution, the Lehman resolution, the Humphrey resolution, the Douglas resolution, the Javits resolution or any of the rest, and see that not only are the rights of the minority for full and adequate debate protected, but also that the American people are protected from the operation of a steamroller in the Senate that seeks to deprive the American people of their substantive legislative rights. That is exactly what was attempted in the 1954 atomic energy debate.

Instead of giving a unanimous-consent agreement that afternoon on that issue, we debated the subject for 13 days and 6 nights, as I recall; I have a pretty good recollection about it because I held down the "graveyard shift" through 2 long nights of that filibuster. We protected the American people and we protected the minority. We changed a minority into a majority on a series of amendments that were added to the atomic energy bill in 1954, not a single one of which would have been passed had we as a Senate surrendered that afternoon to the unanimous-consent agreement to pass the bill on the afternoon it came to the Senate. The House had received the bill that day and passed it, as I recall, after less than 2 hours of debate. Then it came through the door of the Senate, and the majority leader, after it was laid down in the Senate, suggested an immediate vote on the measure that afternoon.

I shall go along with a fight in this session of Congress to adopt antifilibuster legislation that will protect minority rights but, as the Senator from Minnesota has pointed out, what was good enough for Webster, Clay, Calhoun, and the Senators of that day ought to be good enough for the Senate in 1961. They were willing to operate under a majority-rule principle.

There has been much reference in debate over the years to the fact that we do not always have majority rule under our form of government and under our Constitution, but the Constitution specifies when majority rule shall not apply, and so the argument by analogy that is constantly being used in the Senate is a typical non sequitur fallacy.

I am often interested in the tendency of Senators to use an analogy in argument and think that they have drawn a sound conclusion because there are some similarities, overlooking the great differences that are involved almost every time they use an argument by analogy. This is a good example of it. The fact, in my judgment, that the Constitution made perfectly clear when majority rule should not apply raises a presumption, I believe, that we ought to follow the majority rule principle.

I am going to leave my liberal friends in the Senate on one facet of the debate; I am not going along with them on a 60-percent provision. There ought to be a prolonged debate on the subject. The American people ought to be educated on the proposal for a 60-percent vote in the Senate. I happen to think that it is better in the long-range interest of the American people that we stand firm on the majority vote principle and take our beating again this year, as I think we probably will if we stand for that principle, rather than to go along with what I consider to be the very unsound compromise that would follow a defeat on the majority rule, namely, a 60-percent proposal.

I shall not only vote against it, but I shall be very happy to educate the American people in regard to the importance of that provision. It may take some time to get that educational lesson across to the American people. I thought the Senator from Louisiana would be particularly interested in the position the Senator from Oregon is taking on that proposal. I shall continue in the Senate along these lines until I get the American people fully informed on the importance of their legislative rights and of the necessity that their rules be changed in the Senate.

These rules do not belong to us as Senators. They belong to the American people. Unless the American people understand the direct relationship between their substantive legislative rights and a denial of their procedural rights in the Senate, we will never get majority rule in the Senate.

I believe that we liberals have made an exceedingly poor record over the years in carrying this issue to the country. We have not succeeded in educating the American people on the issue and on the relationship between the rules of the Senate and the legislative rights of the people in the Senate. There have been liberals before us who did much better than we have done in educating the American people on great issues that confronted them in the Senate in their day. We had great liberals in the Senate, such as Hiram Johnson, William Borah, La Follette, and Norris, who used to take the record of the Senate out to the platforms of America and read the record to the constituency of America. Once they got the American people educated as to the need of a great piece of legislation, they got the legislation.

Those liberals, Mr. President, did not compromise their principles. Once they became satisfied that it was in the interest of the American people that a certain proposal be adopted in the Senate, they fought for it until they won. They did not shortchange the people with promises that set them back for decades.

If we adopt the 60-percent proposal in this session of Congress, we may never get a majority rule in our lifetime.

Therefore, Mr. President, I close by saying to my liberal friends that the time has come to rally round the standard for majority rule in the Senate, and to settle for nothing else. If we get beaten on the majority rule principle, then let us try again and again and again, until we win out.

When I make my speech on the issue as to the 60-percent proposal, I will be able to show that it does not make much difference whether it is 60 percent or 66 percent, as it now exists, as far as stopping filibusters in the Senate is concerned. The only time we will really be successful in stopping filibusters or at least in most instances, is when we bring to the floor of the Senate the basic principle of democratic government that a majority shall have the right to speak for the American people.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LONG of Louisiana. With all due deference to my great and able friend from Oregon, I would suggest that the rule he proposes fits very well the speeches of the Senator from Oregon and I suppose what most people stand for from where they are standing themselves.

The Senator from Oregon has spoken on the floor of the Senate longer than anyone else in the history of the Senate. I well recall that he was the most considerate and polite Senator in this body, on the occasion when he spoke for 22½ hours, because when he started he invited all Senators to go home and come back the next day, and that it would not be necessary for anyone to get up early the next morning; that we could come back in the afternoon, and the speech would still be going on.

I submit, however, that when we start tearing down and denying the rights of Senators and begin to control discussion, we cannot stop there.

Those who do not make long speeches would be inclined to say, "If 20 Senators are denied the right to make long speeches, then perhaps five or six long speakers will make speeches of 24 hours or longer."

Reference has been made to liberals like Johnson and Borah and La Follette. Those great liberals were in favor of free speech. They did not like some of the things that were going on in those days, and they were willing to fight against them. It was important to them, however, that the rules of the Senate should give them the right to carry on extended debate.

My father, Huey Long, made a great fight on the floor of the Senate, together with former Senator Elbert Thomas, on the preservation of the State banks of the Nation. He made the fight against what would have resulted in an entirely Federal system of banks. Today that is regarded as a very wise statute. I say to the Senator that if the rule the Senator is advocating here had been in effect at that time, it would have been possible to cut off debates at that time by this type of procedure.

The Senator has referred to the right of persuading other Senators. He knows as well as I do the difficulty all of us have in trying to get Senators to come to listen to a speech. The junior Senator from Louisiana made a fight on the floor of the Senate a year ago for a mental health program, when the Senator from Minnesota was kind enough to come to the Chamber to listen to a part of his speech, at least. The Senator knows what usually happens when once a unanimous-consent agreement is entered into to limit debate. Everyone

goes home. Everyone leaves the Chamber. No one remains in the Chamber except a Senator or two who is firmly against the point of view of the speaker and remains in the Chamber to see that the speaker does not get very far with his argument. At the present time there is only one Republican Senator on the floor. I was worried for a moment that the Republican Party did not have anyone on the floor during this debate. Other than those I have mentioned, there are usually only one or two doorkeepers present. Once a unanimous-consent agreement to limit debate is entered into, the debate is all over. There is just so much time remaining, and it is a matter, from then on, of merely going through the motions, so far as persuading anyone is concerned.

Does not the Senator agree with the junior Senator from Louisiana that once it is agreed that debate will be closed at a certain time and that the Senate will vote at a certain time, there is very little chance of persuading anyone?

Mr. HUMPHREY. I would say, honestly, that there is considerable validity in what the Senator has said. However, I might add that one of the reasons for the difficulty of having Senators come to the Senate when they know there is going to be extended debate is that they all know it is going to be extended. When we set a time of day when we are going to vote, say, at 2 o'clock on Friday, and we agree that time will be parceled out from 12 o'clock on Wednesday, for instance, then from Wednesday until 2 o'clock on Friday Senators are in the Chamber and they are listening and paying attention, and they are studying the subject under debate. The administrative assistants of the Senators are on the floor with the Senators, and they are earnestly trying to find out what the facts are.

The point the Senator is making is illustrated by what happened when the Senator from Louisiana spoke on his mental health program. He did a wonderful job on the floor of the Senate. I voted with the Senator. I did not know at first that I was going to vote with him. The Senator convinced me.

I remember also the great work done by the Senator from Oregon [Mr. MORSE], the junior Senator from Tennessee [Mr. GORE], and the senior Senator from Tennesee [Mr. KEFAUVER], as well as the Senator from New Mexico [Mr. ANDERSON], and the Senator from Rhode Island [Mr. PASTORE], on the atomic energy bill some years ago. One of the purposes of extended debate, which would include the 15 days that we provide for under the amended resolution, is not only to convince Senators by the logic of our own arguments, by our eloquence, but we are talking to the members of the Press Gallery, who will report the news to the constituents. We are talking to the citizens who fill these galleries to watch the business of government—sometimes, I gather, somewhat unhappily. Nevertheless, we are trying to get our message out to the American people. I venture to say that while Senators may have spoken in this Chamber when there has not been any other Senator present except a representative of the majority or of the minority and the Presiding Officer, those speeches may very well have provoked a reaction in the country which caused Senators or Members of the other body to change their minds, or at least to be alerted to an issue.

We are not here simply to debate with one another. The U.S. Senate is a great public forum. It provides an opportunity for those who have been elected by their fellow citizens in the respective States to be heard, not merely as individuals, but as a force or a voice or an articulation of a point of view.

I know of many times in this Chamber when no attention has been paid to a speech which was being made by a Member of the Senate. Yet his words were carried in the press, over the great news services, and on the radio and television and in publications. Almost immediately telegrams started to come into the office. The telephone started to ring. Letters began to come from home. Visitors came to the offices of Senators and said, "I heard on the radio that Senator So-and-So said the following. What is your reaction to it?" Or, "I am for what he said."

I should say that many times some of the important speeches in this body are made by Senators who are not orators, who have no audience, and who are not even looking for an audience, but who find an opportunty to use the forum of the U.S. Senate as a platform from which to pronounce their points of view or to alert the American people to a particular issue.

Many of the country's great resources have been saved in this forum. Public opinion has been aroused on a host of subjects because of this forum when not a corporal's guard of Senators were present.

Mr. PASTORE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the distinguished Senator from Rhode Island. Before doing so, I ask that the name of the senior Senator from Rhode Island [Mr. PASTORE] be added as a cosponsor of the amendment in the nature of a substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. In answer to those who express a strong desire to be heard at length on any issue which concerns the welfare of the American people, is it not true that one thing of which we are losing sight, and which I think is quite important, is that there will already have been prolonged debate even before a petition is circulated, let alone before the petition rests upon the desks of Senators?

Mr. HUMPHREY. The Senator from Rhode Island is correct. As he knows, we are not abolishing section 2 of the existing rules; we are providing a second step, which is that even after that prolonged debate and the filing of a cloture petition—and it is no small job to get 16 U.S. Senators to sign a cloture petition—it is necessary to have a pretty good case. It is necessary to have a mighty sound argument. It is necessary for Senators to be mighty tired and mighty worried before they will sign a petition which will say to their colleagues, which ultimately may say to us, and may again say to us, "No more debate."

Every one of us lives here on the sufferance of our colleagues. We treat each other as responsible, decent human beings, because that is the way we want to be treated. The rule of tolerance and the rule of "Do unto others as you would have them do unto you" certainly apply in this body. The minute any Senator violates those rules, he gets just what he deserves.

Mr. President, I believe a very strong case can be made, and has been made, and a better case will be made, for what we call majority rule, principally in the matter of closing debate.

I shall yield the floor now. Before doing so, I ask that the name of the distinguished junior Senator from Indiana [Mr. HARTKE] also be added as a cosponsor of the amendment in the nature of a substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, the U.S. Senate, at very long last, has now an opportunity to eliminate an undemocratic and ugly practice which has long plagued its deliberations. Available to a majority of us is a vote to eliminate the filibuster.

The filibuster is an anachronism. In the 8 years that I have had the honor to represent, in part, the people of the State of California, I have seen many filibusters in this Chamber, when varying and divergent issues were before the Senate. I have seen the leadership of whichever party was in the majority compelled to keep Senators in constant session, 24 hours a day, day in and day out, in order, physically, to exhaust a minority of filibustering colleagues whose sole and only goal was to prevent the majority from having the opportunity to pass judgment upon and to approve the business pending before the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator from California yield?

Mr. KUCHEL. Not now.

Mr. LONG of Louisiana. The Senator has reflected on other Senators. I should think he would at least yield.

Mr. KUCHEL. I do not yield, Mr. President. I shall yield to my beloved friend a little later. I first wish to make some comments; then I shall be glad to yield to the Senator from Louisiana.

My first vote in the Senate, in 1953, 2 or 3 days after I took my oath of office, was with respect to this subject. In 1953 I voted against filibusters. Intermittently I have had additional opportunities to reflect upon that judgment, and my judgment has been constant.

It seemed to me, as I came into the Senate originally, that what I had heard about filibusters was true; that filibusters were evil; that the highest parliamentary body in the Government of the United States ought not to be stultified by them. Time has demonstrated, I think, the wisdom of that position.

It is not a very pretty picture, based on the theory of self-government in

America, to find the Senate compelled to remain in continuous session, never stopping, day in and day out, week in and week out, and to observe some Senators who are able to stand and speak for 10 hours, 15 hours, 20 hours, or more, simply to prevent the Senate from working its will.

In 1953 Senators filibustered on the subject of the tidelands controversy. That filibuster went on and on. Finally, through exhaustion, and because one of the Senators who opposed the measure was about ready to suffer a heart attack, the filibuster was finally broken, and the Senate passed the measure which was then pending.

Mr. President, during one of the previous debates I made a statement later read into the hearings of the special subcommittee of the Committee on Rules and Administration which was appointed to consider this subject during the 85th Congress. I said:

> What is a filibuster? My definition would be that it is irrelevant speechmaking in the Senate, designed solely and simply to consume time, and thus to prevent a vote from being taken on pending legislation. To my mind a filibuster is an affront to the democratic processes and to the intelligence of the people of the United States.

I believe that today. To see Senators answering a quorum call at midnight, at 2 o'clock in the morning, and at 4 o'clock in the morning; coming into the Chamber unshaved, unkempt, many of them without neckties, and bleary-eyed from lack of sleep, at 6 o'clock in the morning; knowing that they faced another 24-hour day, and one more, and one more, and one more after that, is a sad commentary on the ability of the people of the American Republic to represent themselves through elected legislators of their own choice.

Our opportunity today is a unique one. We can shear away a rule which permits regrettably extended talkathons. We can do it because of a courageous, logical, and constitutional opinion handed down on two occasions by the Vice President of the United States. When Vice President NIXON was first confronted with this problem in 1957, he had before him a set of rules which many Senators contended continued into the next Congress.

The PRESIDING OFFICER. The hour of 2 o'clock has arrived, and morning business is concluded; and the resolution goes to the calendar, under the rule.

Mr. JAVITS. Mr. President——

Mr. KUCHEL. Mr. President, do I lose the floor?

The PRESIDING OFFICER. No, the Senator from California still has the floor.

Mr. JAVITS. At this point will the Senator from California yield?

Mr. KUCHEL. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I ask my colleague to yield to enable me to propound a parliamentary inquiry; and I ask unanimous consent that he may not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. My parliamentary inquiry is as follows: If we are proceeding, under the Constitution, to consider new rules for the Senate, and if there apply only such rules as do not inhibit that process, is it not then proper that the 2 o'clock rule shall not apply in this instance to this situation?

The PRESIDING OFFICER. Under the usual rule and the precedents of the Senate, a resolution of this type is, at the conclusion of the morning hour, placed upon the calendar, subject to being called up at a later time. However, it would be proper to request unanimous consent to proceed without regard to that rule.

Mr. JAVITS. I thank the Chair.

Mr. HUMPHREY. Mr. President, I move that the Senate resume the consideration of Senate Resolution 4, as modified.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

Mr. KUCHEL. Mr. President, will the Senator from Minnesota withhold his motion for a moment?

Mr. HUMPHREY. I withhold it temporarily.

Mr. KUCHEL. Mr. President, do I have the floor?

The PRESIDING OFFICER. Yes.

Mr. RUSSELL. Mr. President, the Senator from California cannot hold the floor and permit another Senator to make a motion.

Mr. KUCHEL. Mr. President, will the Chair explain the parliamentary situation? If I have the floor——

The PRESIDING OFFICER. The Senator from California has the floor, and may proceed if he desires to do so.

Mr. RUSSELL. Mr. President, the Senator from California cannot prevent me from suggesting the absence of a quorum after a motion is lodged before the Senate.

The PRESIDING OFFICER. Did the Senator from California yield to the Senator from Minnesota for the making of a motion?

Mr. KUCHEL. I yield to the Senator from Minnesota for that purpose.

Mr. RUSSELL. Mr. President, I reserve the right to object; and I shall object unless there is an agreement that we may have a quorum call after the motion is lodged—as is usually the case in the Senate.

Mr. KUCHEL. I have no objection, except that I am in the midst of some comments which I wish to make on this subject.

Mr. RUSSELL. There is nothing to prevent the Senator from California from proceeding with his remarks. He does not have to yield for this purpose. But if he yields and if a motion is made, it is certainly proper to suggest the absence of a quorum—if the Vice President has not declared that rule of the Senate unconstitutional.

Mr. KUCHEL. Then I am happy to yield to the Senator from Minnesota; and I ask that after the quorum call is had, I may be permitted to resume my remarks.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that after the quorum call, the Senator from California be permitted to continue his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I now move that the Senate resume the consideration of Senate resolution 4, as modified.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL. Mr. President, I ask unanimous consent that further proceedings under the call of the quorum may be dispensed with, in order that the distinguished Senator from California [Mr. KUCHEL] may proceed with his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from California.

Mr. KUCHEL. Mr. President, in his first opinion on the capacity of the majority of the Members of the Senate to govern themselves by adopting rules at the beginning of each Senate session, the distinguished Vice President of the United States had before him the rules of the preceding Congress which had been adopted by the Senate to guide him.

With respect to the problem of full and free debate finally being concluded, so that Senators would have the responsibility of answering the rollcall on the merits of the pending issue, the Vice President had before him language of the prior Senate rules which would have prevented any type of cloture whatsoever with respect to a motion to change the rules—I repeat, no cloture whatever was available in those days—to prevent an endless talkathon against changing the rules.

But, in addition to that, the Vice President had before him a provision of the Senate rules which went on to say that cloture could not be invoked unless a constitutional two-thirds of the Senate voted in favor of the cloture.

The Vice President, however, had before him something else. He had before him the American Constitution, the basic law of this land, and he had particularly section 5 of article I, which, in part, provides:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel a Member.

Thereafter the distinguished Vice President of the United States said this to the Members of the Senate:

> It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.
>
> Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

I applaud the clarity and the courage of the Vice President of the United States in rendering that advisory opinion.

He further said:

It is also the opinion of the Chair that section 3 of rule XXII in practice has such an effect.

That, I observe parenthetically, Mr. President, was the provision by which the Senate rules purported to preclude any kind of cloture against a motion to change the rules.

I proceed further with the reading of the advisory opinion:

The Chair emphasizes that this is only his own opinion, because under Senate precedents, a question of constitutionality can only be decided by the Senate itself, and not by the Chair.

At the beginning of a session in a newly elected Congress, the Senate can indicate its will in regard to its rules in one of three ways:

First. It can proceed to conduct its business under the Senate rules which were in effect in the previous Congress and thereby indicate by acquiescence that those rules continue in effect. This has been the practice in the past.

Second. It can vote negatively when a motion is made to adopt new rules and by such action indicate approval of the previous rules.

Third. It can vote affirmatively to proceed with the adoption of new rules.

Turning to the parliamentary situation in which the Senate now finds itself, if the motion to table should prevail, a majority of the Senate by such action would have indicated its approval of the previous rules of the Senate, and those rules would be binding on the Senate for the remainder of this Congress unless subsequently changed under those rules.

If, on the other hand, the motion to lay on the table shall fail, the Senate can proceed with the adoption of rules under whatever procedures the majority of the Senate approves.

In summary, until the Senate at the initiation of a new Congress expresses its will otherwise, the rules in effect in the previous Congress in the opinion of the Chair remain in effect, with the exception that the Senate should not be bound by any provision in those previous rules which denies the membership of the Senate to exercise its constitutional right to make its own rules.

Mr. President, I repeat: In my judgment the Vice President of the United States is eternally sound constitutionally in this opinion. He indicated with clarity what in his judgment the Constitution of the United States gives to the Senate in each Congress with respect to a right to adopt rules by which to govern its orderly parliamentary procedures, and to do it by majority vote.

Would it not be foolish, Mr. President, to argue that if one Senate years ago had ruled that the rules of the Senate could not be approved except by a unanimous vote that this would serve to handcuff all future Senates through all eternity? How foolish that would be. Is there anyone in this Chamber who would argue that a U.S. Senate in some prior Congress which adopted such rules could tie the hands of and manacle the Members of the Senate until doomsday against changing the rules, which all Members of the body might wish to approve with one exception? I do not think so.

Thus, we have at the opening of this new Congress a unique opportunity available to us to eliminate what I think may properly and accurately be called an ugly and undemocratic procedure by which Senators may talk indefinitely not for the purpose of adding one scintilla of wisdom to the debate on the pending issue, but simply to prevent Senators from exercising their constitutional duty of standing on this floor and voting up or down the pending question.

Mr. President, I think a point ought to be made in this debate that both great American political parties this past year in their national conventions promised the American people that democracy would prevail in the Congress of the United States.

Mr. President, I am proud that the Republican National Convention, meeting last year in the city of Chicago, said:

We pledge our best efforts to change present rule XXII of the Senate and other appropriate congressional procedures that often make unattainable proper legislative implementation of constitutional guarantees.

There is a firm commitment to the people of the United States by the great political party to which I have the honor to belong. It is a commitment promising that Republicans will seek to change rule XXII under which filibusters these many years have been conducted.

I congratulate those who gathered in the city of Los Angeles in my State of California representing the Democratic Party, for in its platform the Democratic National Convention said:

In order that the will of the American people may be expressed upon all legislative proposals, we urge that action be taken at the beginning of the 87th Congress to improve congressional procedures so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either House.

They also said:

To accomplish these goals will require Executive orders, legal actions brought by the Attorney General, legislation, and improved congressional procedures to safeguard majority rule.

Thus, it was, Mr. President, that some of us at the opening of this session of the Congress, some of us in the Senate on both sides of the aisle, believing devoutly that in this modern era filibusters have no place in orderly American Government, believing that the commitments made by the Republican and Democratic Parties to the American people represent something specific which ought to be done, have joined together to sponsor the resolution which is now before us on a motion that it be made the pending business.

Mr. President, by reason of the rules of the Senate as amended and as adopted in the last Congress, provision has been made for a cloture petition signed by 16 Senators to lie over at the desk for 2 days and then, if two-thirds of the Senators present and voting approve of it, debate shall be ended, except for an additional 100 hours to be parceled out 1 hour each to every Member of the Senate.

What some of us are urging the Senate to do now is to add an additional or an alternative means of eliminating long-drawn-out "talkathons" by providing for a cloture petition, to be likewise signed by 16 Senators, but providing further that if such petition lies on the desk of the Senate for 15 days and is thereafter approved by a constitutional majority of Senators—that is to say, 51—debate then will have to come to a close, subject again to 100 additional hours available, 1 each to every Member of the Senate. We retain the two-thirds provision after 2 days, but we add a 51-vote provision after 15 days, excluding Sundays and holidays.

Mr. KEATING. Will the Senator from California yield to me for the purpose of propounding a parliamentary inquiry on that subject?

Mr. KUCHEL. I am glad to yield to the Senator from New York for that purpose.

Mr. KEATING. I know that the distinguished Senator from California has correctly stated the intention of those of us who have offered the proposed amendment. It has come to my attention that perhaps there is a little confusion on the subject, and I therefore propound this parliamentary inquiry.

Does the proposal now made by the group of us headed by the distinguished Senator from California and the Senator from Minnesota, by its wording retain the existing provisions of rule XXII relating to the two-thirds requirement for cloture? Is it an addition to rule XXII or does it, in fact, repeal that rule and substitute the 51-percent requirement for the two-thirds requirement?

The PRESIDING OFFICER. The question which would be before the Senate when the resolution is up for consideration is the Humphrey amendment to the Anderson resolution as modified.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. RUSSELL. Is it not a bit unkind, while the distinguished Senator from California is occupying the floor and pleading so fervently in behalf of the proposed amendment, that notwithstanding the list of Senators who coauthored the proposed amendment the Chair should refer to the amendment as the Humphrey amendment? I do not think the Chair should exclude the Senator from California. He is on his feet diligently urging the adoption of the proposed amendment. He appears as a coauthor. I believe he should be entitled to some little recognition. I do not think he is entitled to any credit, but I believe he is entitled to some recognition.

Mr. KUCHEL. Let us use the legal phrase "and others," Mr. President.

The PRESIDING OFFICER. The Humphrey "and others" is the proposed amendment.

Mr. KEATING. If the Senator will yield further, I respectfully request a ruling from the Chair on my parliamentary inquiry. I am aware of the fact that the Humphrey-Kuchel and others amendment is pending to the Anderson amendment.

Mr. RUSSELL. I did not mean to exclude the Senator from New York.

Mr. KEATING. I appreciate the unfailing courtesy of my friend from Georgia. My problem is this: The distinguished Senator from Minnesota [Mr. HUMPHREY] and the distinguished Senator from California [Mr. KUCHEL] have both pointed out that we are trying to add something to rule XXII without disturbing the old two-thirds section as it

now exists. It has been suggested, however, that because of the form of the substitute, we may in fact, be doing away with the two-thirds section. This most certainly is not the intention and I am seeking some clarification.

Mr. KUCHEL. I think I can allay the apprehension of my able colleague. I should like to state affirmatively that the resolution which pends before the Senate under a motion to make it the pending business refers to and seeks to amend section 3 of rule XXII, and we do not seek in any fashion, nor do we say that we seek, to amend section 2 of rule XXII.

Mr. RUSSELL. Mr. President, I desire to make a point of order that the question as to the effect of an amendment, strictly speaking, is not a parliamentary question. That is a legal question. I do not know that the Chair is in any way authorized to rule on the legal effect of an amendment. That is something upon which every Senator must pass for himself. Who is bound by a ruling of the Chair as to the legal effect of an amendment?

The PRESIDING OFFICER. In response to the question of the Senator from New York, the Chair will state that the Chair does not seek to interpret the meaning of an amendment.

Mr. KUCHEL. Mr. President, I am arguing in favor of what we seek to do. I wish affirmatively to say what the intent of the coauthors is. I think the language speaks for itself. The intent of our resolution, which is offered in the nature of a substitute, is to add a new section to rule XXII, and since the language does speak for itself, and since we have indicated that we do not, by the language of our substitute, touch subsection 2, but seek to amend section 3, I think it is perfectly clear what the intention of the sponsoring Senators is.

I wish to proceed, if I may.

Mr. KEATING. The Senator having yielded, I must ask the Chair either to rule or to decline to rule in the light of the representations made by the Senator from Georgia.

The PRESIDING OFFICER. The Chair will comment that the Kuchel-Humphrey, et al., amendment, as modified, adds a new section to rule XXII, which would probably be section 4.

Mr. KUCHEL. Can anyone believe that a future Senate can or should be restricted in its actions by the dead hand of a past Senate? Was it not a great Virginian, Thomas Jefferson, who queried:

> Can one generation bind another, and all others, in succession forever? I think not. The Creator has made the earth for the living, not the dead.

Students of government, Congress, and the Supreme Court have likewise recognized that no legislature can pass what Judge Cooley once described as "irrepealable laws." Thus, to permit a two-thirds requirement, such as that which exists in the present rule XXII, enacted by a previous Senate to hinder the expressions of a majority of a successor Senate would violate every canon of our Constitution and American political theory. A filibuster to prevent a change in the filibuster rule which itself was adopted by a majority vote would have such a result. This was the unreasonable situation in which the Senate found itself as a result of the rules changes of 1949. At that time, the Senate had ruled that there could be no cloture on any proposal to change the rules of the Senate. Although this section was eliminated in the 1959 revisions, a section with similar effect was added. Consequently, the present section 2 of rule XXXII reads:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

Any attempt to sanction a filibuster under such a rule which would prevent a majority now from exercising its will must be unconstitutional under article I, section 5.

In the brief prepared for the Vice President we stated:

> A majority in 1959 cannot give a minority in 1961 the right to prevent the majority in 1961 from exercising its democratic will (pp. 24–25).

To believe otherwise is to reach the obvious extremes which would permit future amendments to the rules only by unanimous consent or to pass a rule that no equal-rights legislation could be considered for a specified number of years. To permit such a rule to survive is not to facilitate Senate business but to hinder it; in effect, it is to mask substance as procedure since its continuation would prevent majority action on substantive issues.

In prior years, a majority of the Senate adopted its own rules without being obstructed by actions and rules of an earlier Senate. For example, in 1819, a joint resolution authorized each House to choose the printer for the next succeeding House. Two decades later, in 1840, a Democratic Senate chose the firm of Blair and Rives as printer prior to being succeeded by a Whig Senate. Despite claims by Senators Allen of Ohio and Buchanan of Pennsylvania that the Senate could not dismiss the printer because, as a permanent and continuous body, it was bound by the Senate of an earlier Congress, the resolution to dismiss was adopted 26 to 18.

For 87 years from 1789 to 1876, the House and Senate had acquiesced in the continuation of various joint rules. In 1865, a rule concerning the method of counting the electoral votes was adopted. Four years later, the two Houses disagreed as to the rule's effect. The Senate, despite long accepted practice of continuing the rules without voting, now voted to reject a substitute resolution which treated the rules as in force and accepted the initial resolution which was based on the theory that no joint rules existed at the opening of the new Congress.

An analysis of the operations of the U.S. Senate shows that with the possible exception of the rules, all legislative and executive activity of the Senate begins again with a new Congress. And I submit that the adoption of the rules which are carried over is in reality a matter of convenience.

Mr. President, I ask unanimous consent that a chart entitled "Analysis of the Operations of the U.S. Senate" be included at this point in my remarks.

There being no objection, the chart was ordered to be printed in the RECORD.

Analysis of the operations of the U.S. Senate

Activity	Senate acts anew in each Congress	Senate bound by Senate of preceding Congress	Comment
1. Introduction of bills	X		See Senate rule XXXII.
2. Committee consideration of bills	X		Do.
3. Debate on bills	X		Do.
4. Voting on bills	X		Do.
5. Election of officers	X		While the old officers carry over until new ones are elected, the carryover does not prove rules carry over. It is a mere convenience. Even in the House, the Clerk carries over until the new one is elected. Obviously this does not prove that House rules carry over; they do not.[1]
6. Consideration of validity of senatorial elections	X		Although credentials of a Senator-elect are often presented to the Senate prior to the beginning of his term, the validity of the credentials can only be considered by the Senate to which he was elected and not before.
7. Consideration of treaties	X		See Senate rule XXXVII(2).
8. Submission and consideration of nominations	X		See Senate rule XXXVIII(6).
9. Election of committee members	X		See Rule XXV. While old committees carry over until new ones are elected, the carryover does not prove rules carry over. It is a mere convenience. Even in the House, the Clerk carries over until the new one is elected. Obviously this does not prove that House rules carry over; they do not.
10. Adjournment	X		Adjourns sine die. When Congress ends at noon of a particular day, and a special session of the Senate of the new Congress is called, the Senate adjourns at noon, and 1 minute afterward opens the new session.
11. Rules	(?)	(?)	Past practice of Senate on rules is ambiguous. It can be explained as acquiescence in past rules, which can either be repeated at the opening of the Senate of any new Congress by beginning to operate under them or which can be refused by the adoption of new rules in whole or in part.

[1] Similarly, the fact that the President pro tempore carries over until there is a change of party control of the Senate is no evidence of rules carryover. On the contrary, the fact that an election of a President pro tempore automatically follows a shift in party control (see CONGRESSIONAL RECORD, vol. 99, pt. 1, p.9) is evidence that the Senate of each new Congress responds to the will of the majority of the Senate of that Congress.

Mr. KUCHEL. Mr. President, because two-thirds of the Senate carries over does not mean that the bills, resolutions, treaties, and nominations considered in the previous Congress carry over. They do not. But clearly the continuing nature of the Senate is irrelevant if its rules conflict with the Constitution. To assume that the rules carry over because two-thirds of the Senators do is to assume that the two-thirds carryover would always carry a majority in favor of the existing rules. Yet one-third of the Senate could conceivably be elected for the first time every 2 years, and still others could change their views in the meantime.

Perhaps the experience of the House of Representatives is pertinent here. Senators on both sides of the rules issue have admitted that the House is not a continuous body. Yet for 30 years between 1860 and 1890, the House acquiesced in past rules rather than formally adopting new rules at the beginning of each Congress. The rules were continued under a resolution which held that the 1860 rules would be in force unless otherwise ordered. As the result of Speaker Thomas Reed, a majority of Congress, operating under general parliamentary law at the beginning of a new Congress, adopted new rules. Acquiescence for 30 years did not prevent the majority from acting. Both the Senate and House organize their work on a 2-year basis. The difference is only in the length of terms of the Members.

The authority by which the House of Representatives first acquiesced in prior rules over many Congresses, and then in its determination that it would adopt new rules at the beginning of each Congress, stems from exactly the same language in the Constitution which the Vice President has applied in his advisory opinion to the Senate and which some of us hope will be appealing to a majority of the Members of the Senate, so that we can take action which was promised the American people by both political parties and which, in the judgment of many of us, is long, long overdue.

Furthermore, the present two-thirds requirement of rule XXII is in violation of the Constitution which established majority rule as the operating principle of our Government except in five specifically enumerated instances. The five include first, the power of Congress to override the veto; second, the ratification of treaties by the Senate; third, the initiation by Congress of constitutional amendments; fourth, the power of impeachment; and fifth, the expulsion of Members of either the House or Senate. The Constitutional Convention rejected efforts to impose the two-thirds requirement on questions of interstate and foreign commerce, navigation, and the attainment of a quorum.

Mr. President, in those unhappy and tragic instances when Congress has responded to the request of the Chief Executive to declare war, each House of Congress has acted under the Constitution, by which a declaration of war may be adopted by a majority vote of each House of Congress. That indeed is the general rule. The Presiding Officer and I and the other Members of the Senate, when we sit in judgment on such urgent matters as the amounts of money needed for America's defense, decide the issue by a majority vote, and no more.

When we determine all the important issues which come before us each year, as to what is necessary and what is in the interest of the American people, a majority vote is all that is required except in those five specific instances which I have previously noted.

During the past century there have been over 40 leading filibusters which have consumed endless days of Senate time. Some have been coordinated efforts by a group of Senators while others have been a more lonely crusade. The Senate has not always been plagued with this cancer. When the first Congress assembled in New York in 1789, the Senate adopted on April 16, rule IX, which permitted the previous question to be moved and seconded. Once done, the Presiding Officer queried: "Shall the main question be now put?" If the nays prevailed, the main question was not then put and debate continued. If it was in the affirmative, a vote was at once taken. When the Senate rules were revised in 1806, the previous question was omitted. It had been moved only four times and used only three times during the previous 17 years. Abuse as a result of its elimination was not immediately noted since the Presiding Officers were strict concerning the germaneness of speeches.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. RUSSELL. Is the Senator aware of the fact that the previous question, to which he refers, was, in the First Congress, a debatable issue, and was debated? Does the Senator know that the minutes of the First Congress show that considerable debate took place, after the previous question was moved, as to whether or not the previous question should be voted on? I can get some of the original minutes of that Congress, if it is necessary to convince the Senator, to show that debate was held after the previous question was moved in the Senate under that original rule.

Mr. KUCHEL. If that is true, I did not know it. I thank the Senator from Georgia.

On the eve of America's entry into the First World War, a successful filibuster of the so-called armed-ship bill caused President Wilson to call the Senate into extraordinary session and resulted in the cloture provision similar to the present rule XXII, whereby two-thirds of the Senators present and voting could limit debate.

Both political parties in this period showed concern for the filibuster abuses. In 1916 and 1920, the Democratic platform stated:

> We favor such alteration of the rules of procedure of the Senate of the United States as will permit the prompt transaction of the Nation's legislative business.

In 1922, the Senate Republicans, in a party conference, voted 32 to 1 for majority cloture on revenue and appropriation bills. A resolution to that effect was offered in 1926.

In 1939 and 1945, an antifilibuster rule was made a part of the Reorganization Acts. Debate on a resolution to disapprove a Presidential reorganization proposal was limited to 10 hours.

In this instance, as in others, the Senate severely limited its right of free speech well in advance of any knowledge as to the issue. Between 1949 and 1959, cloture could only be invoked if a constitutional two-thirds agreed. Thus, during this period, it required a greater number of Senators to limit a Senator's speech than to expel him. In 1959, rule XXII was amended to two-thirds of those present and voting. But because of the high attendance on a vote as crucial as that of cloture, it was a relatively meaningless change.

Since 1917, there have been 23 cloture votes. A two-thirds majority was secured in four cases—the last being in 1927. On 9 occasions a majority of the entire Senate membership was obtained; while on 15, a majority of those present and voting was secured. Seven cloture attempts received the support of only a minority of those present and voting; and one resulted in a tie vote. Thus, cloture failed 19 out of 23 times. It is interesting to note that under a majority of the entire membership rule, which we are here advocating, cloture would have failed 14 out of 23 times.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks three tables entitled "Legislation Delayed or Defeated by Filibusters," "Later Action on 35 Filibustered Bills," and "Senate Votes, 1919–60, on Invoking Cloture Rule," prepared by the Legislative Reference Service of the Library of Congress.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. KUCHEL. Mr. President, no one has claimed that State senators are undemocratic or do not protect minority rights. In the State senate in which I had the honor to serve before the war, we could proceed, by majority vote, to move the previous question. Forty-five of the forty-eight States forbid filibustering in the upper houses of their legislatures. In most cases, the limitation on debate is imposed by majority vote.

Listen to the words of the late Henry Cabot Lodge. They are as fitting today as when he uttered them several decades ago. Of the abuse of parliamentary discussion and legislative decorum which we know as the filibuster, he said:

> There must be a change, for the delays which now take place are discrediting the Senate, and this is greatly to be deplored. The Senate was perhaps the greatest single achievement of the makers of the Constitution, and anything which lowers it in the eyes of the people is a most serious matter. A body which cannot govern itself will not long hold the respect of the people who have chosen it to govern the country.

Mr. President, the late Senator Lodge, the grandfather of our distinguished former Ambassador to the United Nations, displayed a prescience which is as

applicable today to the Members of the U.S. Senate as it was in the hours in which he first uttered them.

The Senate, I regret to say, by the filibusters which have taken place in this Chamber during the few years I have been here and have seen them, has, in my judgment, lowered itself in the eyes of the American people.

Mr. President, I ask unanimous consent that I may incorporate at this point in my remarks the comments of the late Charles G. Dawes, Vice President of the United States, whose words I used in a prior session in discussing this subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I will state the principal objections to the Senate rules as they stand:

1. Under these rules individuals or minorities can at times block the majority in its constitutional duty and right of legislation. They are therefore enabled to demand from the majority modifications in legislation as the price which the majority must pay in order to proceed to the fulfillment of its constitutional duty. The right of filibuster does not affect simply legislation defeated but, in much greater degree, legislation passed, continually weaving into our laws, which should be framed in the public interest alone, modifications dictated by personal and sectional interest as distinguished from the public interest.

2. The Senate is not and cannot be a properly deliberative body, giving due consideration to the passage of all laws, unless it allots its time for work according to the relative importance of its duties, as do all other great parliamentary bodies. It has, however, through the right of unlimited debate surrendered to the whim and personal purposes of individuals and minorities its right to allot its own time. Only the establishment of majority cloture will enable the Senate to make itself a properly deliberative body. This is impossible when it must sit idly by and see time needed for deliberation frittered away in frivolous and irrelevant talk, indulged in by individuals and minorities for ulterior purposes.

3. The rules subject the people of the United States to a governmental power in the hands of individuals and minorities never intended by the Constitution and subversive of majority rule under constitutional limitation. In the words of Senator Pepper, of Pennsylvania:

"The Senate, by sanctioning unlimited debate and by requiring a two-thirds vote to limit it, has in effect so amended the Constitution as to make it possible for a 33-percent minority to block legislation."

4. The present rules put into the hands of individuals and minorities at times a power greater than the veto power given by the Constitution to the President of the United States, and enabled them to compel the President to call an extra session of Congress in order to keep the machinery of Government itself in functioning activity. The reserved power of the States in the Constitution does not include the power of one of the States to elect a Senator who shall at times control a majority or even all the other States.

5. Multiplicity of laws is one of the admitted evils from which this country is suffering today. The present rules create multiplicity of laws.

6. The present rules are not only a departure from the principles of our constitutional Government but from the rules of conduct consistent therewith which governed the U.S. Senate for the first 17 years of its existence and which provided for majority cloture.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. RUSSELL. Has the Senator ever had occasion to read the views of one of his distinguished predecessors, the late Senator Hiram Johnson, on the statement by Vice President Dawes?

Mr. KUCHEL. No, but I should be very glad to see it.

Mr. RUSSELL. I shall be very happy to supply it for the RECORD. In those days, Senators were very proud of all the prerogatives of the Senate. Vice President Dawes evoked the unstinted criticism of not only the Democrats but also of Hiram Johnson, William Borah, George Norris, and, almost in a state of apoplexy, Senator Robert La Follette, of Wisconsin, who, in those days, were supposed to be liberals. However, the times and conditions have changed. The liberal position at that time was in favor of full and free debate. Now those who claim to be the real liberals in the country are in favor of very drastic limitations on debate.

Mr. KUCHEL. I thank the Senator from Georgia. In that connection, the only thing I recall about our late illustrious California Senator, the great Hiram Johnson, is that for many years he tried to obtain a vote in the U.S. Senate to approve proposed legislation which he sponsored to construct the great Hoover Dam. The bill was filibustered to death in the Senate again and again and again. The people of California were denied what a majority of the Members of the Sente were prepared to approve, until finally, years later, the late great Senator was able to overcome the filibustering opposition, and the Senate approved what the House of Representatives had approved, and the great dam at Boulder Canyon began to be constructed.

I do not remember—I have had no opportunity to know of—any comments which our late great California Senator may have made on this subject, but the recollection I have just related came to my mind.

Mr. President, I believe in full and free debate. I believe that minorities have rights which ought to be protected. I believe majorities have rights which, likewise, ought to be protected. The Senate ought to be able to have sufficient time in which to discuss, fully and relevantly, each great issue as it comes before us. But when the discussion and the debate, having been full and free, are replaced by speeches not designed to add wisdom to the listening Senators or to the country, but are designed exclusively for the purpose of preventing a vote from being taken, then the Senate ought to have the means by which to conclude debate and to go forward to the great responsibility we have of passing our own judgment, with our votes, up or down, on whatever question may be pending before us.

This is the sole opportunity for the next 2 years for a majority of Senators, under the opinion of the Vice President, to eliminate the filibuster and to go forward in the fashion in which some of us have urged in the resolution now before us.

Mr. President, I hope that what should have been accomplished by the Senate years ago will be accomplished now.

EXHIBIT 1

Legislation delayed or defeated by filibusters [1]

Bills	*Year*
Reconstruction of Louisiana	1865
Repeal of election laws	1879
Force bill (Federal elections)	1890–91
River and harbor bills (3)	1901, 1903, 1914
Tristate bill	1903
Colombian Treaty (Panama Canal)	1903
Ship subsidy bills (2)	1907, 1922–23
Canadian reciprocity bill	1911
Arizona-New Mexico statehood	1911
Ship purchase bill	1915
Armed ship resolution	1917
Oil and mineral leasing bill and several appropriation bills	1919
Antilynch bills (3)	1922, 1935, 1937–38
Migratory bird bill	1926
Campaign investigation resolution	1927
Colorado River bills (Boulder Dam project) (2)	1927, 1928
Emergency officers retirement bill	1927
Washington public buildings bill	1927
National-origins provisions in immigration laws, resolution to postpone	1929
Oil industry investigation	1931
Supplemental deficiency bill	1935
Work relief bill ("prevailing wage" amendment)	1935
Flood control bill	1935
Coal conservation bill	1936
Antipoll tax bills (4)	1942, 1944, 1946, 1948
Fair employment practices bills (2)	1946, 1950

[1] Thirty-six bills appear in this incomplete list, not including the many appropriation bills that have either been lost in the jam that resulted from filibusters or were talked to death because they failed to include items that particular Senators desired for the benefit of their States or because grants they made were considered excessive. Several successful filibusters have sought and achieved the enactment of legislation favored by the filibusters. Filibusters have succeeded not only in preventing the passage of legislation, but also in preventing the organization of the Senate, the election of its officers, and the confirmation of Presidential appointees. They have also succeeded in modifying the terms of legislation; in delaying adjournment of Congress; in forcing special sessions, the adoption of conference reports, of neutrality legislation, and of a ship subsidy; in postponing consideration of legislation, and in raising the price of silver. Legislation has also often been defeated or modified by the mere threat of a filibuster. All the bills listed above, however, except the force bill, the armed ship resolution, and the so-called civil rights bills, were eventually enacted, in some form.

Numerous appropriation bills. For a partial list of 82 such bills that failed from 1876 to 1916, see CONGRESSIONAL RECORD, June 28, 1916, pages 10152–10153.

Of the 36 measures listed above, all but 11 eventually became law, in some cases after compromises had been made in their provisions following the failure of cloture. The table below, prepared at the direction of Senator HAYDEN, shows the later action on 35 filibustered bills.

The 36th measure (the second FEPC bill) was filibustered in 1950, subsequent to the table that follows.

EXHIBIT 2

Later action on 35 filibustered bills

Bills	Filibustered	Passed	Not passed (10)
Reconstruction of Louisiana	1865	1868	
Election laws	1879	1909 (repealed)	
Force bill	1890–91		X
River and harbor bills (3)	1901, 1903, 1914	At intervals	
Tristate bill	1903	1907, 1912	
Colombian Treaty	1903	1903 [1]	
Ship subsidy bills (2)	1907, 1922–23	1936	
Canadian reciprocity bill	[illegible]	1911 [1]	
Arizona-New Mexico statehood	[illegible]	1912 (admitted)	
Ship purchase bill	1915	1916	
Armed ship bill	1917		X
Mineral lands leasing bill	1919	1920	
Antilynch bills (3)	1922, 1935, 1937		X
Migratory bird conservation bill	1926	1929	
Campaign investigation resolution	1927	1927 [1]	
Colorado River bills (2)	1927, 1928	1928 [1]	
Emergency officers retirement bill	1927	1928	
Washington public buildings bill	1927	1928	
Resolution to postpone national-origins provisions of immigration laws	1929	1929	
Oil industry investigation	1931	1935	
Supplemental deficiency bill	1935	1936	
Prevailing wage amendment to work relief bill	1935	1936	
Flood control bill	1935	1936	
Coal conservation bill	1936	1937	
Antipoll tax bills (4)	1942, 1944, 1946, 1948		X
FEPC bill	1946		X

NOTE.—Numerous appropriation bills—at intervals—passed in special or later sessions.

[1] In special or subsequent sessions.

Source: Limitation on Debate in the Senate. Hearings before the Committee on Rules and Administration. U.S. Senate. 81st Cong., 1st sess. On resolutions relative to amending Senate rule XXII relating to cloture. January and February 1949, p. 42.

EXHIBIT 3.—*Senate votes, 1919–60, on invoking cloture rule* [1]

No.	Congress	Session	Date	Subject	Senator offering motion	Yeas		Nays	Congressional Record		Cloture
						Number	Percent		Volume	Page	
1	66	1	Nov. 15, 1919	Treaty of Versailles	Lodge	76	82.6	16	58	8555, 8556	Yes.
2	66	3	Feb. 2, 1921	Emergency tariff	Penrose	36	50.7	35	60	2432	No.
3	67	2	July 7, 1922	Fordney-McCumber tariff	McCumber	45	56.2	35	62	10040	No.
4	69	1	Jan. 25, 1926	World Court	Lenroot	68	72.3	26	67	2678, 2679	Yes.
5	69	1	June 1, 1926	Migratory-bird refuges	Norbeck	46	58.2	33	67	10392	No.
6	69	2	Feb. 15, 1927	Branch banking	Pepper	65	78.3	18	68	3824	Yes.
7	69	2	Feb. 26, 1927	Disabled World War I officers retirement	Tyson	51	58.6	36	68	4901	No.
8	69	2	do	Colorado River development	Johnson	32	35.1	59	68	4900	No.
9	69	2	Feb. 28, 1927	Public buildings in District of Columbia	Lenroot	52	62.6	31	68	4985	No.
10	69	2	do	Customs and Prohibition Bureau's creation	Jones (Washington)	55	67.0	27	68	4986	Yes.
11	72	2	Jan. 19, 1933	Banking Act		58	65.9	30	76	2077	No.
12	75	3	Jan. 27, 1938	Antilynching (CR No. 1)	Neely	37	42.0	51	83	1166	No.
13	75	3	Feb. 16, 1938	Antilynching (CR No. 2)	Wagner	42	47.7	46	83	2007	No.
14	77	2	Nov. 23, 1942	Antipoll tax (CR No. 3)	Barkley	37	47.4	41	88	9065	No.
15	78	2	May 15, 1944	Antipoll tax (CR No. 4)	do	36	45.0	44	90	2550, 2551	No.
16	79	2	Feb. 9, 1946	FEPC (CR No. 5)	do	48	57.1	36	92	1219	No.
17	79	2	May 7, 1946	British loan	Ball	41	50.0	41	92	4539	No.
18	79	2	May 25, 1946	Labor disputes	Knowland	3	3.7	77	92	5714	No.
19	79	2	July 31, 1946	Antipoll tax (CR No. 6)	Barkley	39	54.1	33	92	10512	No.
20	81	2	May 19, 1950	FEPC (CR No. 7)	Lucas	52	61.9	32	96	7300	No.
21	81	2	July 12, 1950	FEPC (CR No. 8)	do	55	62.5	33	96	9982	No.
22	83	2	July 26, 1954	Atomic Energy Act	Knowland	44	51.2	42	100	11942	No.
23	86	2	Mar. 10, 1960	Civil rights (CR No. 9)	Douglas	42	44.2	53	106	5118	No.

[1] Many cloture petitions have also been withdrawn or held out of order since 1917.

COMMENTS

Number of cloture votes 1917–60, 23.

Number of successful cloture efforts, 4 (last time: Feb. 28, 1927). If the cloture rule had permitted debate limitation by simple majority action instead of ⅔, cloture would have been invoked 15 times; if the rule had required a constitutional majority, 9 times; if the rule had required 60 percent of those present and voting, 8 times; 60 percent of all Senators, 5 times; 55 percent of those present and voting, 12 times.

Number of civil rights cloture efforts, 9; successful, 0. If the rule had required a simple majority, 4 civil rights cloture efforts would have been successful; if a constitutional majority had been required, 2; if 60 percent of those present and voting, 2; if 60 percent of all Senators, 0.

The PRESIDING OFFICER (Mr. HART in the chair). The question is on agreeing to the motion to resume the consideration of Senate resolution 4, as modified.

Mr. RUSSELL rose.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MORSE. Mr. President, do I have the floor?

Mr. RUSSELL. Mr. President, I simply desire to suggest the absence of a quorum, in order to permit other Senators to come to the Chamber and hear the debate. If the Senator from Oregon desires to address the Senate, I shall be happy not even to claim the floor.

Mr. MORSE. I appreciate the attitude of the Senator from Georgia. Previously I requested permission to discuss another matter. I assure the Senator from Georgia that I shall be brief.

Mr. RUSSELL. I am sure we shall be glad to hear whatever the Senator from Oregon has to say.

Mr. MORSE. Only time will tell.

The PRESIDING OFFICER. The Senator from Oregon may proceed.

SEVERING OF U.S. DIPLOMATIC RELATIONS WITH THE GOVERNMENT OF CUBA

Mr. MORSE. Mr. President, last night the U.S. Government broke diplomatic relations with Cuba. I think it unfortunate that, insofar as I know, thus far there has been no comment in the Senate in regard to this matter since the action taken last night by the executive branch of our Government.

However, in my capacity as chairman of the Subcommittee on Latin-American Affairs of the Senate Foreign Relations Committee, I have received many inquiries as to my reaction. Therefore, I think it proper to inform the Senate that I have recommended that at a very early hour—today, if possible; but if not today, certainly tomorrow—the State Department be invited to attend a meeting of the Foreign Relations Committee at

least to brief the committee on the situation which led to the action the administration has taken.

Mr. President, I shall await the presentation of those facts before reaching any final evaluation of them.

However, I have served for 3 months as a member of the U.S. delegation to the United Nations; and on the basis of that experience I have feelings of great apprehension about the course of action our Government has followed in breaking diplomatic relations with Cuba.

It may very well be that course of action is very precipitous. It may very well be that there are very serious questions as to whether it was in the best longtime interest of U.S. relations in the Western Hemisphere. I say that because we must remember that we are dealing with a government which obviously is being administered by a top leader who gives every evidence of being very impulsive and very unstable, and obviously is surrounded by advisers and governmental officials who give every evidence of being much influenced by the totalitarian philosophy of communism.

AID TO BATISTA DAMAGED AMERICAN PRESTIGE

I believe these observations are justified, because in my capacity as a member of the Foreign Relations Committee, quite some time before the fall of the Batista government in Cuba, I opposed the support which the U.S. Government was giving to the Batista government. It was perfectly clear to me that the Batista government could not remain in power without the military assistance our Government supplied it, which enabled it to maintain the police-state control of that country that the Batista government maintained.

It was in January 1958, as I recall, that my subcommittee of the Foreign Relations Committee conducted public hearings dealing with the subject matter of Cuba, with particular reference to the Batista government. Those hearings brought from the State Department the admission that in all probability the Batista government could not remain in power without U.S. military assistance.

Following that, there was a persistent insistance on the part of many, including some members of the Foreign Relations Committee and other Members of the Senate, that a reappraisal be made of our support of the Batista government.

What was the final cause for the course of action the administration followed, I do not know; but I am inclined to assume that the constant calling of attention in the Halls of Congress to the support of the Batista government might have been helpful to the administration in reaching its decision in March 1958, when it announced that it was withdrawing any further support of the Batista government from the standpoint of military aid. I believe that was a wise decision, because I have no doubt that the U.S. support of the Batista government and other totalitarian regimes in Latin America had greatly injured the prestige and the standing of the United States among the masses of the Latin American people.

CASTRO SETS UP NEW POLICE STATE

No one could have been more shocked and saddened than I was when, once the new administration of Cuba came into power, it proceeded immediately to substitute one police state for another. From the very beginning, Dr. Castro demonstrated that he, too, would resort to the strong-arm tactics that are characteristic of police-state policy. Mr. President, you will recall that immediately upon Castro's coming into power, he proceeded with so-called military executions of hundreds of people in Cuba.

At first he professed that they were receiving military trials. However, the members of our subcommittee were well aware—based upon intelligence information supplied to us—that those victims did not receive the benefits of trials. In many, many instances, within 45 minutes to 1 hour after they were taken into custody by the rifle squads, they were corpses in trench graves.

My record is perfectly clear, Mr. President. Once I was satisfied I had my facts—and my facts were verified over and over again—I walked to this desk and made the first speech on the Castro administration in which I protested the blood baths of the Castro administration.

For that speech I was castigated and criticized by a substantial amount of the press of this country, particularly in my own State. There were those in the Congress who did not know the facts who proceeded to criticize that speech; and I answered the criticisms, again supporting the proposition that the Castro administration was adopting totalitarian, police-state methods.

Mr. President, I said on that occasion, and repeat again today, that it is not difficult to judge the forms of government that any administration adopts, if one gives heed to the procedures that are applied in administering the government; and the procedures of Dr. Castro, from the very beginning of his administration, were police-state procedures, bound to deny the fundamental rights of freedom and liberty to his people.

When he placed under house arrest President Urrutia, the first president of Cuba under his regime, I was satisfied in my own mind, Mr. President, that we could look for the kind of police-state procedures that subsequently followed. President Urrutia was a noted and distinguished judge of Cuba, a man with a distinguished legal record, a man who believed in guaranteeing to individuals basic procedural safeguards in determining guilt or innocence.

I mention this, Mr. President, because the record is perfectly clear that I have been critical, and still am critical, of the policies followed by Dr. Castro.

POSITIVE POLICY TOWARD CUBA NEEDED

Mr. President, our relations with Cuba have deteriorated sadly in the last 8 years; and I think it is unfortunate that, in the closing days of this administration, it goes out of office possibly leaving for the new administration a time bomb. If the facts so dictated that, in order to protect the honor of my country, it was necessary to break diplomatic relations with Cuba, I certainly would not propose that diplomatic relations be continued. But these are relative things, Mr. President. Our relations with Cuba have been exceedingly bad for some months.

I regret that the administration has not seen fit to present positive, affirmative proposals in an endeavor to demonstrate to the rest of the world that we were willing to submit all the issues that exist between Cuba and the United States to judicial procedures and processes either through the Organization of American States or the United Nations, and let those organizations pass an evalued judgment on the course of action that we should take.

It is pointed out in the press today that Peru has broken diplomatic relations with Cuba, and the newspaper stories indicate that possibly some other Latin American countries may do so in the future. Whether that action is offered as a rationalization or justification for a course of action on the part of the United States, I find it unacceptable unless we wish to suggest a joint action in regard to Cuba through the Organization of American States, as was done at Costa Rica in regard to the Dominican Republic.

CASTRO INFLUENCE IN LATIN AMERICA

What concerns me, as chairman of the Subcommittee on Latin American Affairs—speaking only for myself, Mr. President—is that, in my judgment, such a joint consultation might have been highly desirable prior to a unilateral course of action on the part of the United States. I would have the Senate keep in mind the fact that most of the people of Latin America have within their populations strong Castro followers, principally because they do not know the facts, principally because the Communist Party has done a tremendous propaganda job in many parts of Latin America.

Only 4 days ago I sat through a luncheon with a vice president of a Latin American country and his ambassador, and the day preceding I sat with the foreign minister of another Latin American country and his chief delegate to the United Nations, and I listened to their warnings as to what, in their opinion, would happen among the masses in many Latin American countries if the United States proceeded with a so-called unilateral course of action against Cuba. The vice president of that country said, "Senator, you know, many, many people in Latin America regard Cuba and the United States as they do David and Goliath."

Then I tried to argue with him, to get him to see what would happen if the philosophy of Castroism should spread throughout Latin America, to the free institutions of his own country. He said, "I understand that, but what many of you Americans do not seem to recognize is that the masses of our people do not understand it."

Then, too, I think we need to keep in mind the fact that there is a great difference between levels of public knowledge in Latin America and in the United

States, as a result of the great forces of enlightenment which we as free men and women are able to have. For example, illiteracy in the United States has almost been wiped out, whereas to the masses of the people of Latin America it is the common level of education. The overwhelming majority of them do not have very much education. In fact, in some parts of Latin America, the illiteracy of the whole population of a country is as high as 85 percent or more.

In Bogotá in September, when I was a delegate to the Bogotá Conference, in one of the discussions concerning educational problems in Latin America, justifying greater American assistance to educational projects in Latin America, it was pointed out by one of the Latin America spokesmen that an overwhelming majority of all the people in Latin America have less than a fourth grade education. That is a statistic difficult for me to accept, yet I understand from checking I have made upon it since coming back from Bogotá he probably is nearly correct.

I mention this because when the United States deals with Cuba it does not deal with Cuba alone. In a very real sense, when we deal with Cuba, we are dealing with a whole complexity of Latin American problems.

Therefore, I sincerely trust that an overwhelming case can be made in support of the course of action which has been taken in breaking diplomatic relations with Cuba.

None of us likes to be insulted, and Castro is a deliberate insulter. None of us likes to be even figuratively slapped in the face, but that is Communist stock in trade. That is part of the Communist technique.

I watched Castro in New York. I observed his antics. He was not making an appeal to the American people, any more than is Khrushchev. They do not hope to change our viewpoint. They are making their appeals to the masses of Africa, of Latin America, and of Asia. We had better not stick our heads in the sand and assume they are not making any converts. We have a tremendous job of educating people to an understanding of the preciousness of freedom and liberty and what it means to them as individuals.

Mr. JAVITS. Mr. President, does the Senator find it convenient to yield at this point?

The PRESIDING OFFICER (Mr. BLAKLEY in the chair). Does the Senator yield?

Mr. MORSE. On this subject matter?

Mr. JAVITS. On this subject.

Mr. MORSE. I yield.

Mr. JAVITS. I recall with the greatest of interest and with some quickening of pulse the fact that when the policy on Cuba was announced by President Eisenhower and Secretary Herter some months ago the Senator from Oregon, the chairman of the subcommittee of the Committee on Foreign Relations which deals with this area, arose and with, I think, very commendable statesmanship, because he had been a strong critic of the President, commended this expression of policy.

As I recall, the Senator from Oregon was especially pleased with the idea advanced in the policy that we would move in coordination with the other American states and would utilize the machinery of the Organization of American States to the full.

I feel, as does the Senator, about what has occurred, that it is almost impossible for us sitting here, without knowledge on the spot, to assess the validity or the invalidity of the rather drastic action which was taken. There are two points, as to which I should deeply appreciate the Senator's comments.

First, we, too, have a right to use our own techniques in order to call upon the outraged conscience of the world, as it were. If the way to do that is to break diplomatic relations, then within the context of modern times it may not have quite the implications it had in other days.

The question I should like to ask the Senator from Oregon is whether he would feel with me, that we ought to, at the earliest possible moment, repair to the forum of the Organization of American States in the effort to at least try to concert a policy with them in order to pursue this line of policy, which, as I recall, the Senator so much approved when it was announced some months ago?

Mr. MORSE. I thank the Senator from New York. The Senator will recall that I made exactly the speech to which he referred. The CONGRESSIONAL RECORD will show that in the speech I made the plea that the administration proceed to give consideration to a proposal I have made for quite some time—that all the issues which exist between us and Cuba ought to be turned over to a tribunal of the Organization of American States. If Castro is unwilling to do that, I would be willing to suggest that the issues be turned over to the United Nations. I have repeated that suggestion today. I am very much of the opinion that it ought to be our course of action.

That also carries with it the answer to the second part of the Senator's question.

What has happened has happened. I always ask myself the question: Where do we go from here?

Diplomatic relations have been broken. I think we ought to make it very clear—which would be very reassuring to the world—that we are working now to have this very delicate and difficult situation involving Cuba and the United States passed upon, as far as the judgment of others is concerned, either by joint action of the Organization of American States, as occurred at Costa Rica when the Dominican Republic issue was before the Costa Rican conference last summer, or by the United Nations, by setting up a tribunal to consider the matter there.

I stress that, Mr. President. I have not heard what has happened or what is happening at the Security Council today. I surmise that probably what Cuba is doing is what it attempted to do at Bogotá and what it attempted to do at the recent meetings of the General Assembly of the United Nations, which is to make a whole series of completely false charges against the United States, charging us with all manner of wrongdoings against Cuba, including a threatened invasion, because that is a good scare argument with the unenlightened.

If Cuba can create the impression in Latin America, in Africa, and in Asia that the little country of Cuba is standing up all alone against the "giant from the north," the "great colossus of the north," as we are referred to, "the great imperious tyrant of the north"—I use the phrases they used in attacks on the United States in the various international meetings occurring recently—they can make some "political hay," may we say, so far as international propaganda is concerned.

They are not going to fool the leaders of governments, because they are not fooling the leaders of the governments of Latin America at this very hour. Not only Peru, but five other nations in Latin America have broken diplomatic relations with Cuba. Others may soon do the same.

Mr. President, I wish to invite attention——

Mr. JAVITS. Mr. President, before the Senator leaves this subject, will he yield to me?

Mr. MORSE. I yield.

Mr. JAVITS. I wish to ask the Senator whether we agree that in international affairs there can be not only a tyranny of strength but also a tyranny of weakness?

It is this tyranny of weakness from which Castro is trying to profit. He has a little nation, and he says, "Come and beat me down." He loves the idea.

I thoroughly agree with the Senator that the other small nations are not going to be "taken in" by any such transparent subterfuge.

Mr. MORSE. The governments will not be, but I am not so sure the people will not be.

It is my understanding that Nicaragua, Guatemala, the Dominican Republic, Haiti, Paraguay, and Peru have already severed relations, and other countries are seriously considering doing so.

Mr. President, I wish to stress that Cuba cannot be contained—to use that term—except by joint action. Cuba cannot be contained by a unilateral course of action followed by the United States and other nations. Therefore, we should continue to look to the Organization of American States and to the United Nations to keep Castro from exporting his revolution, because I happen to think that is a great threat to the Latin American countries. For the time being, we have to try to keep him in isolation. That does not mean, Mr. President, that we should keep his people in isolation.

FRIENDSHIP WITH PEOPLE OF CUBA

I wish to dwell upon that distinction for just a moment. I am very much concerned about the people of Cuba. We all know that it is difficult to find a more friendly people. They are people with a basic love for the United States and our people. The people of Cuba know very well that their original independence from Spain was partly caused by the great friendship of the United States and

the people of the United States for Cuba, and I think we have a great reservoir of good will upon which we can draw within Cuba in spite of its present dictatorial leadership.

Before I was interrupted by the Senator from New York—and I welcomed the interruption—I was saying that none of us like to be slapped in the face, figuratively or otherwise. Such a tactic is a part of the Communist tactics. We saw it exemplified in the speeches of Castro in New York and at the United Nations. We have seen it in most of his speeches in Cuba. But what concerns me about the unilateral course of action outside of joint action within the Organization of American States or through the United Nations is what is going to happen to the people of Cuba. We must not forget that to rule a country under police state methods rulers need not have the support of a large percentage of the people. For many decades in Russia an exceedingly small percentage of the people have controlled, dominated, and subjugated the masses of the Russian people under a Communist regime, even though the total percentage of members of the Communist Party in Russia is a small percentage in comparison with the total population of Russia.

But if a ruler controls the armed forces of a state and the police, if the population is disarmed, and if the people are willing to follow a police state policy of liquidating the opposition, then rulers of such police states can remain in power for a long time. We see it in Red China, we see it in Russia, and we are seeing it today in Cuba.

What concerns me is whether or not, following the slap in the face that we received when Castro in effect said, "Reduce your embassy staff to 11," from the exaggerated number that he claimed, stinging as that insult was, we followed a wise course in a sudden break in diplomatic relations. A new administration is about to take office in the United States. The question arises whether we could not have withstood for a while longer that insult until we formally, at least, proposed to the Organization of American States or to the United Nations the joint action about which I speak.

In March tentative plans are that there will be a Latin American conference at Quito, Ecuador, and undoubtedly the whole program of what is happening in Latin America with regard to the spread of communism in Latin America will be a matter of great concern to the delegates participating in the Quito conference.

What worries me is whether or not this break in diplomatic relations will result in a tightening of the police-state methods in Cuba, and give Castro the excuse, the alibi, and the rationalization for greater brutality.

Furthermore, I would like to know what the facts are in regard to the implications of this action concerning Guantanamo Bay and our naval base there. When we deal with Communists, we deal with ruthless men. I happen to be of the point of view that Communists do not hesitate to follow a course of action that forces military action. We saw this in Korea.

In my judgment we are running great risks at the present time. We are greatly concerned now about the situation in Laos. We have not been briefed yet on the facts as to what is going on in Laos. We are led to believe that the French, the British, and perhaps some others are not enthusiastic about any course of action on the part of the United States that might be interpreted as unilateral action in Laos.

This can very well be another time bomb left by this administration for a new administration to deal with.

So I raise my voice this afternoon on the floor of the Senate urging caution, and point out some of the fears I have as to what might happen to the Cuban people as a result of this break in diplomatic relations.

We continually say that we wish to help the Cuban people. I am not sure that this course of action will help the Cuban people. It may result in imposing upon them greater and greater police-state restrictions and abuses. I am concerned with whether or not the leader of the Cuban Government, who I am satisfied is completely irresponsible in his international policy, might become so desperate as to take some action toward Guantanamo Bay that would give the impression to the world that we are resorting to military force in order to protect our rights.

It is difficult to discuss the subject matter such as the one which I am now discussing because someone may say, "Wouldn't you follow such a course if attacked?" My answer is, "Of course." But we ought to be very careful that we do not help to lay the groundwork for an attack upon us, knowing that we are dealing with desperate men who do not have the same high moral principles as to the value of human life that we have.

Do not forget that it was not so very many months ago that the head of Red China was reputed to have said something to the effect that they could lose many millions of people in a nuclear war and still survive. Human life means so little in the Communist philosophy that in dealing with Communists, we must remember that they might resort to some act of violence that would put us in a position where we would seem to have no other course of action but to use our military power to defend what we considered to be our international rights.

Therefore I sincerely hope that this administration will present to the American people, who, after all, own American foreign policy, and not this administration, and will present to the Congress of the United States, first, the facts that justify the action taken last night, and, second, present their plan for handling the Cuban situation. I certainly hope it will be a plan short of any proposal for military action, because if we become unilaterally involved in military action in Cuba, in my judgment we will create great difficulties for many friendly governments throughout Latin America.

Many Latin American governments are beginning to recognize that the social progress and reforms for which they are working are threatened by subversion from Cuba. They have been toughening their attitude toward Cuba.

But if the United States acts in just the way Castro has claimed we will, and as he may very well hope we will, these governments may find their people resurging to Castro's support.

We may be surprised at the sudden uprisings which will occur throughout Latin America in protest against a course of military action on the part of the United States against Cuba, bad as that situation is. We are a big, powerful nation. We are big enough and we are powerful enough, I believe, for a time longer to turn the other cheek until at least we have exhausted every procedure available to us in finding a solution to the Cuban problem short of unilateral action on the part of the United States.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JAVITS. The Senator from Oregon is addressing himself to a subject of the greatest importance to our people and our country. So often there exists the very condition we now observe in this Chamber, when a Member is addressing himself to an historic event of the greatest importance to our survival. Somehow or other there is not the attendance, and it does not receive the attention, at least here on the floor, which it deserves. I do not say that the Members of the Senate are at fault in this instance. This happens to be a very early day in the new Congress, and Members are very fully occupied. I am sure that our colleague's words will have the attention they deserve.

I should like to mark and underline his remarks for their importance. I hope that perhaps the Senator from Oregon, with whom I agree so much in respect of this great issue, will join me in what I am about to say.

There is always the danger that what he has said will be considered by the press of our country and perhaps by the press of other countries as some criticism, some disagreement, some sense of dissent from what is being done.

This is a problem of the greatest delicacy, and will require delicate handling in the next few weeks by this administration, which, whether it likes it or not, is here, and must act; and if any overt act is committed, such as at the base, it will have to act, no matter how unhappy everyone may feel that it should happen now, with the administration having only 1 or 2 weeks remaining in office.

Therefore, I would hope that the distinguished Senator from Oregon, whose words are listened to, in Latin America, too, might join in the certification of the fact that his views are cooperative and ancillary to what the administration is doing or trying to do, and that we are not—and there is no question about the fact—engaged in any hassle about American policy.

The Senator has every right, of course, to object strongly to what the administration has done. However, if he does not, and if he feels that what he is saying are words of direction, which is more than welcome and entirely justified, con-

sidering his position and knowledge, I do hope, before he sits down he will put the whole matter in proper focus, because I know there will be a reading of the lines and a reading between the lines as well.

Mr. MORSE. Mr. President, most of what the Senator from New York has just stated constitutes a lifting from the conclusion of my speech. I thank him for having put it in even better language than I had put it, or can put it. As I have stated, one cannot discuss a subject matter such as this without others getting the impression that one is criticizing the Government. I am not criticizing my Government. I am saying to my Government that I want it to come forward immediately with the facts about this matter, and what our future course of conduct is going to be in regard to our Cuban relationships.

I certainly need offer no defense for myself, as a member of the Committee on Foreign Relations, in cooperating with the administration time and again in connection with Latin American problems, and other foreign relation problems. I have on some occasions criticized the administration when I thought it was wrong.

All I purport to do is to say to the administration, "You must not stop with the breaking of diplomatic relations, because I am concerned with what that will do to the Cuban people. I am not sure it will result in helping them, but may impose further hardships on them by their masters."

I am also concerned as to what the leaders of Cuba might do out of desperation. I did not mention this point, but I am also concerned as to what the Communist Party around the world may seek to do in using the Cuban situation as a device to attack the United States and seek to push us into a position where we might be misunderstood in many areas of the world. We have to do a tremendous job in the next few years, in getting the people of Africa and Latin America and Asia to understand that they have everything at stake in the very cause that we are seeking to fight for them in this great contest between totalitarianism and freedom around the world.

I said earlier that we ought to be on guard against ruthless men following a course of action such as, for example, at Guantanamo, resulting from our use of military might.

One of the impressions I carried away with me from the General Assembly of the United Nations in New York was that Castroism did not get anywhere with the Western nations. However, if we think that Castroism is not making progress among the masses of many nations in the world, we are mistaken.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CHAVEZ. I am very glad that I have been able to listen to the argument of the Senator from Oregon. He is correct. There is reason to worry about the sufferings of the Cuban people under Castro. There is also reason to worry about what Castro will do about the matter.

The main point, in my opinion, when we are dealing with Latin America, is what people are thinking of Latin America. I think I know Latin America—I can say the Hail Mary in Spanish—and I believe I understand the Latin-American people. I compliment the Senator from Oregon for taking the time to discuss the matter.

The difficulty with Latin America and our standing in Latin America is this: It was not Latin America that first recognized Castro. After we stood with Mr. Batista and helped him for years and years, overnight we recognized Mr. Castro, instead of acting as sensible human beings and at least waiting 90 days or 6 months in which to form a judgment as to what Mr. Castro was doing. We did not do that. We were so anxious to recognize him that as soon as we were against Mr. Batista, overnight we recognized Mr. Castro. That is why Mr. Castro is now in Latin America. I hope Senators will not believe that there is communism in Latin America. The Communists take advantage of the situation.

I would advise the Senator from Oregon that hunger, poverty, and illiteracy have more to do with the thinking of the rank and file of Latin Americans than all the Communists in the world. Latin Americans are not by nature Communists. They do not want to be Communists; but the poverty and actual hunger in Latin America lend themselves to communism. They are factors which breed Communists. Of course, the situation could be improved by education and reason. But it is not possible to reason with a hungry body. It simply cannot be done.

Mr. MORSE. Mr. President, I thank the distinguished Senator from New Mexico. I pay tribute to him. He has been of help to me, time and time again, in my work on foreign relations, because he is a keen student of Latin-American affairs. I shall continue to rely very heavily upon his judgment.

I also thank the distinguished Senator from New York [Mr. JAVITS].

I shall yield to the Senator from Pennsylvania after I have made one more observation.

I hope I may be wrong in my evaluation, but I am inclined to think that it was mighty important to keep the Stars and Stripes flying over our Embassy in Habana, even though only 11 Americans were in the Embassy. I think it was important from many standpoints, but first from the standpoint of symbolism, to keep the great flag of freedom flying in an area where thousands upon thousands of people are being subjected to police-state methods. The very flying of the United States flag might very well have done more to inspire the Cuban people and given them more help than the breaking of diplomatic relations. It is with regard to that issue and others similar to it that I think the administration has the clear obligation to the American people to justify its course of action.

Let me say this by way of warning. An incident such as this is a start which may very well lead to greater and greater troubles in Latin America. We may find ourselves in the not too distant future plagued with uprisings throughout Latin America which will endanger the governments of many friendly nations because Communists are getting by with the charge that the United States seeks only to clothe them with materialism and policies of exploitation. We know that that is wrong, but I have listened to that harangue in the United Nations on the part of the Commies so much during the last 3 months that I think I owe it to the Senate to say that we had better take a look to see what actually is happening among the masses of the people of Latin America, and not play into the hands of the Communist apparatus by seeking to impose restrictions on Castro through the breaking of diplomatic relations which may make him a martyr in Latin America.

I yield to the Senator from Pennsylvania.

Mr. CHAVEZ. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from New Mexico with the understanding that I do not lose my right to the floor.

Mr. CHAVEZ. With that understanding, I should like to have 2 minutes.

I recommend to Senators, if they wish to understand the propaganda which is taking place in Cuba, the reading of a book written first in Spanish, and then translated into English: "El Tivuron y La Sardina"—"The Shark and the Sardine." The book points out that the United States is the shark and Latin America is the sardine which may be swallowed by the shark. I recommend its reading to all Senators who are interested in understanding the propaganda of communism in Latin America.

AMENDMENT OF CLOTURE RULES—RESOLUTIONS

Mr. CLARK. Mr. President, yesterday I sent to the desk notices of motions to make six proposed changes in the rules of the Senate. This material appears on pages 18 and 19 of the RECORD of Tuesday, January 3, 1961. However, my motions were not given Senate resolution numbers, nor have they been printed.

I now ask that each such proposed rules change be given a Senate resolution number and be printed, as was done with the comparable motions submitted by the Senator from South Dakota [Mr. CASE] yesterday, and go over under the rule.

The PRESIDING OFFICER (Mr. JOHNSTON in the chair). The request of the Senator from Pennsylvania will be granted; but he must first send the resolutions to the desk.

Mr. CLARK. They are already at the desk. I sent them to the desk yesterday. The identical text is there. Is it necessary for me to have them typewritten all over again? The Senator from South Dakota had his proposal printed without any difficulty. I do not wish to make a Federal case out of this. If the Assistant Parliamentarian wishes me to have them typed up again, I shall do so.

The PRESIDING OFFICER. If there is no opposition, they will be prepared in the correct form and will be printed in the RECORD.

Mr. CLARK. I thank the Senator from South Carolina for his characteristic courtesy.

The resolutions submitted by Mr. CLARK were received, ordered to be printed, and to lie over under the rule, as follows:

S. RES. 9

Resolved, That rule XXIV be amended by adding a new subsection to read as follows:

"3. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters in disagreement with the House of Representatives which occasion the appointment of the committee."

S. RES. 10

Resolved, That section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), is amended to read as follows:

"(b) No standing committee of the House, except the Committee on Rules, shall sit, without special leave, while the House is in session."

S. RES. 11

Resolved, That rule XXV be amended in the following respects:

In paragraph (h) (dealing with the Committee on Finance) of subsection 1 of rule XXV, strike out the word "seventeen" and insert in lieu thereof "twenty-one"; and

In paragraph (k) (dealing with the Committee on the Judiciary) of subsection 1 of rule XXV, strike out the word "fifteen" on the first line of the said paragraph and insert in lieu thereof "seventeen."

S. RES. 12

Resolved, That rule III, subsection 1, be amended to read as follows:

"The Presiding Officer having taken the chair, and a quorum being present, motions to correct any mistakes made in the entries of the Journal of the preceding day shall be in order, and any such motion shall be deemed a privileged question, and proceeded with until disposed of. Unless a motion to read the Journal of the preceding day, which is nondebatable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approved."

S. RES. 13

Resolved, That rule XIX be amended by adding at the end thereof the following new subsection:

"8. During the consideration of any measure, motion or other matter, any Senator may move that all further debate under the order for pending business shall be germane to the subject matter before the Senate. If such motion, which shall be nondebatable, is approved by the Senate, all further debate under the said order shall be germane to the subject matter before the Senate, and all questions of germaneness under this rule, when raised, including appeals, shall be decided by the Senate without debate."

S. RES. 14

Resolved, That section 134 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), enacted by the Congress in the exercise of the rulemaking power of the Senate and the House of Representatives be amended, to add the following new subsections at the end thereof, which shall be applicable with respect to the Senate only:

"(d) Each standing committee of the Senate shall meet at such time as it may prescribe by rule, upon the call of the chairman thereof, and at such other time as may be fixed by written notice signed by a majority of the members of the committee and filed with the committee clerk.

"(e) The business to be considered at any meeting of a standing committee of the Senate shall be determined in accordance with its rules, and any other measure, motion, or matter within the jurisdiction of the committee shall be considered at such meeting that a majority of the members of the committee indicate their desire to consider by votes or by presentation of written notice filed with the committee clerk.

"(f) Whenever any measure, motion, or other matter pending before a standing committee of the Senate has received consideration in executive session or sessions of the committee for a total of not less than 5 hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, or a petition signed by a majority of the committee is presented to the chairman, and a quorum is present, it shall be submitted immediately to the committee by the chairman, and shall be determined without debate by yea-and-nay vote. A previous question may be asked and ordered with respect to one or more pending measures, motions, or matters, and may embrace one or more pending amendments to any pending measure, motion, or matter described therein and final action by the committee on the pending bill or resolution. If the previous question is so ordered as to any measure, motion, or matter, that measure, motion, or matter shall be presented immediately to the committee for determination. Each member of the committee desiring to be heard on one or more of the measures, motions, or other matters on which the previous question has been ordered shall be allowed to speak thereon for a total of 30 minutes."

Mr. MANSFIELD. Mr. President, if there is no further desire on the part of any Senator to speak this afternoon, I ask, first, that the usual morning hour be held tomorrow.

Mr. CLARK. Mr. President, reserving the right to object, may I ask the Senator from Montana whether it would not be possible to get a vote on the pending motion this afternoon, so that we could continue to debate the matter which is really before us, and which is majority cloture. The reason why no other Senator wishes to speak this afternoon is, perhaps, that the motion should be disposed of before we speak further on the principal business before us. I regret having to make this comment on the floor.

Mr. MANSFIELD. If the Senator desires to proceed in that way, we can endeavor to do so; but I point out that the motion I am about to make protects the rights which are already inherent in the presentation of these resolutions. Many Senators wanted to leave at a reasonable hour this afternoon, some to hold meetings, some to honor other commitments. So long as this subject would be pending business once the morning hour was concluded, I thought this would be the easiest way out of a difficult problem.

Mr. CLARK. The Senator may well be correct. I had the idea—I could well be wrong—that if the pending motion were put to a vote, it would pass by a voice vote without any difficulty. I do not see in the Chamber any of our Southern friends who might enlighten us on the subject, but I would hazard a guess that what I have suggested might happen.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. So far as I know, there are no other speakers, on our side, on the motion to take up the resolution. It seems to me that the motion could be dealt with. I think the Senator from Pennsylvania is quite correct in saying that we might ascertain from our Southern friends if they intend to speak on the motion. I am certain that no Senator desires to foreclose them from doing so; but if they do not wish to speak, we would be at least one step further along in the progress of the debate.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CLARK. If the present motion were to be adopted, as I hope it will be, I am prepared to speak this afternoon, even to an empty Chamber, on majority cloture, in the hope that by doing so the final disposition of the matter will be expedited.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum; but before the roll is called, I ask the attachés of the Senate to notify all Senators that this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow we have the usual morning hour.

Mr. JAVITS. Mr. President, reserving the right to object, will the Senator from Montana include in his unanimous-consent request an additional request that such an arrangement shall not effect any change in the pending business, which is the motion to take up these resolutions?

Mr. MANSFIELD. Mr. President, I wish to speak on that question. After discussing the matter with the Parliamentarian, that is clearly understood; and it is tied with the fact that I intend to request that today the Senate take a recess, rather than adjourn. If an adjournment were had, it would mean that the resolutions in their present form would die. But by taking a recess, they will remain, in their present form, in order in the morning hour.

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Therefore, Mr. President, I ask unanimous consent that tomorrow we have the usual morning hour.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 1 minute p.m.) the Senate took a recess until tomorrow, Thursday, January 5, 1961, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 4, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

From the Book of Leviticus (26: 12) this promise of God: *I will walk among you and be your God, and ye shall be my people.*

Eternal and ever-blessed God, who hast opened unto us the gateway to a new year, may we hear and heed Thy voice of confidence and hope lest we meet our tasks and responsibilities with a paralyzing sense of fear and frustration.

Grant that we may accept and follow the leading of Thy divine spirit with humility of heart and simplicity of faith, assured that the future is as bright as the promises of God.

Give us the rapture of the forward look and help us to lay hold of the perplexing problems of each day with resolute determination and wholehearted dedication.

Hear us in the name of Him who is the Author and Finisher of our faith. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Carrell, one of its clerks, announced that the Senate had passed the following resolutions:

S. RES. 7

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable THOMAS C. HENNINGS, JR., late a Senator from the State of Missouri.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate, at the conclusion of its business today, do adjourn.

S. RES. 8

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable KEITH THOMSON, late a Senator-elect from the State of Wyoming.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate, at the conclusion of its business today, do adjourn.

ADJOURNMENT TO FRIDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ONE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF THE CONSTITUTION

Mr. McCORMACK. Mr. Speaker, in behalf of the gentleman from Pennsylvania [Mr. BYRNE], and acting for him, I offer a bill he has introduced (H.R. 1723) and ask unanimous consent for its present consideration. I have discussed this with the minority leader. It has been screened and cleared by him.

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand this calls for no additional money?

Mr. McCORMACK. It does not. The purpose of the bill is to extend from the 3d of January to some date in June the time for the committee to make its report to Congress.

Mr. GROSS. But no additional money is involved?

Mr. McCORMACK. I am acting for the gentleman from Pennsylvania. It is my understanding there is no additional money involved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the joint resolution of July 14, 1960, entitled "Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the one hundred seventy-fifth anniversary of the formation of the Constitution of the United States" (Public Law 86–650), as amended by Public Law 86–788, is amended by striking out "January 3, 1961" and inserting in lieu thereof "June 28, 1961".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIGNATION OF DAVID M. ABSHIRE

The SPEAKER laid before the House the following communication, which was read by the Clerk:

REPUBLICAN POLICY COMMITTEE,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 28, 1960.

The Honorable SAM RAYBURN,
Speaker of the House,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation as an employee of the minority staff of the House of Representatives, and request that this resignation become effective as of the end of business on the last day of December 1960.

I was appointed to this position by House Resolution 218, approved March 19, 1959.

It has been a pleasure to serve in this capacity and to be associated with the Members and employees of the House of Representatives.

Sincerely,

DAVID M. ABSHIRE.

HON. OLIN E. TEAGUE OF TEXAS

The SPEAKER. The gentleman from Texas [Mr. TEAGUE] will present himself at the bar of the House and take the oath of office.

Mr. TEAGUE of Texas appeared at the bar of the House and took the oath of office.

THE LATE JOHN E. RANKIN

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, it is with sadness that I announce to the House the passing of the Honorable John Elliott Rankin. He departed this life at his home in Tupelo, Miss., on November 26, 1960, the victim of a heart attack.

For 32 years Mr. Rankin served in this body as the Representative from the First Congressional District of Mississippi. His length of service is a record for Members from my State and is surpassed by only a few from other sections of the country.

Our former colleague was born of humble but proud parentage in Itawamba County, Miss., on March 29, 1882. He was educated in the public schools of the county and graduated from the Law School of the University of Mississippi in 1910. He first entered the practice of law in West Point, Miss., but soon moved to Tupelo where he continued his practice and served as prosecuting attorney for the county.

In 1920 Mr. Rankin was elected to the 67th Congress and to each Congress thereafter through the 82d. He served here with distinction and was credited with many beneficial achievements for the good of his district, State, and country.

While interested in many programs and movements, his greatest interests were in the Tennessee Valley Authority and the Rural Electrification Administration. He vigorously fought for the passage of legislation creating these Federal agencies and for their perpetuation.

For years he served as chairman of the Committee on Veterans' Affairs, and was credited with having authored more legislation for the benefit of veterans, their widows, orphans, and dependents than any other Member of the House of Representatives.

He was a strong believer in the Democratic Party, in constitutional government, the perpetuation of our democracy and States rights. He fought communism wherever he found the slightest evidence of it, and was the proud author of an amendment to the rules of the House